

**Subject: Vacant Property By-law**

**File Number: ACS2022-EPS-PPD-0001**

**Report to Community and Protective Services Committee on 19 May 2022  
and Council 25 May 2022**

**Submitted on May 12, 2022 by Valérie Bietlot, Manager, Public Policy  
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**Ward: Citywide**

**Objet : Règlement sur les biens vacants**

**Dossier : ACS2022-EPS-PPD-0001**

**Rapport au Comité des services communautaires et de protection  
le 19 mai 2022**

**et au Conseil le 25 mai 2022**

**Soumis le 12 mai 2022 par Valérie Bietlot, Gestionnaire, Direction de l'élaboration  
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**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION(S)**

**That Community and Protective Services Committee recommend that Council  
approve:**

- 1. The proposed Vacant Property By-law as described in this report and in  
the general form set out in Document 1, and 2 full-time equivalents in**

- By-law and Regulatory Services to enforce and administer the Vacant Property By-law, to be funded on a cost-recovery basis from permit fees, as further described in this report; and,**
- 2. Amendments to the Property Standards By-law (By-law 2013-416, as amended) to address pest control, grading and drainage, and foliage standards for vacant properties, as further described in this report and in the general form of Document 2.**
  - 3. Amendments to the Board Up By-law (By-law 2010-211) to address the unauthorized occupancy of accessory structures, as further described in this report and in the general form of Document 3.**

### **RECOMMANDATION(S) DU RAPPORT**

**Que le Comité des services communautaires et de protection recommande au Conseil d'approuver :**

- 1. Le projet de règlement sur les biens vacants décrit dans le présent rapport et selon les modalités générales établies dans le document 1 ainsi que l'allocation de deux équivalents temps plein aux Services des règlements municipaux pour faire appliquer et administrer le Règlement sur les biens vacants, financée par le recouvrement des coûts assuré par les droits de permis, selon les modalités exposées dans le présent rapport; et**
- 2. Les modifications du Règlement sur les normes d'entretien des biens (n° 2013-416, dans sa dernière version) portant sur la lutte antiparasitaire, le nivellement et le drainage ainsi que les normes relatives au feuillage pour les biens vacants, selon les modalités exposées dans le présent rapport et les modalités générales du document 2; et**
- 3. Les modifications du Règlement sur la condamnation d'un immeuble (n° 2010-211) portant sur l'occupation non autorisée d'une structure accessoire, selon les modalités exposées dans le présent rapport et les modalités générales du document 3.**

### **EXECUTIVE SUMMARY**

The purpose of this report is to present recommendations for a new permit system for

vacant buildings and vacant lands, collectively referred to as vacant properties, as set out in Document 1. In addition, staff are recommending complementary property standards amendments for vacant properties as well as new rules for securing of accessory buildings, as set out in Document 2 and 3, respectively. This regulatory review forms part of the 2019-2022 By-law Review Work Plan.

The recommended Vacant Property By-law aims to hold property owners accountable for managing their vacant properties and to mitigate negative community impacts those vacant properties can cause, such as property standards and maintenance violations, complaints of garbage and vandalism graffiti on site, and unauthorized access, among others. The permit system will also provide staff with the tools to better identify problems with vacant buildings early on. This will help prevent “demolition by neglect” by addressing issues of deterioration or loss of built heritage resources before these properties are damaged beyond repair.

The new permit regime and regulations will:

- Identify vacant properties and obtain current contact information for the owners or their agents so that they can respond to on-site issues if requested
- Require the owner or an agent to attend the vacant property every two weeks, at a minimum, to identify issues on site and resolve violations before they escalate
- Create enhanced pest control requirements on vacant properties to prevent infestations
- Require that vacant lands where demolition has occurred be graded using water permeable materials, such as soil and grass, to reduce storm-water runoff, soil erosion, and pooling water
- Require that owners board up or secure their accessory buildings to prevent unauthorized access, if requested by the City
- Require that owners secure buildings or lands from unauthorized access, if requested by the City due to public safety or other concerns arising on site

Under the recommended regulations, a vacant property permit would be required once the property has been unoccupied for 120 consecutive days. Exemptions have been included to accommodate snowbirds, travelling workers, and vacation properties. To recognize the particular financial stresses facing some vacant property owners, staff also recommend a two-year permit fee exemption for owners that are in care, properties

where the owner is deceased, or properties that become vacant due to a catastrophic event, and community housing providers.

### **Assumption and Analysis**

In 2013, the City had 95 known vacant properties. By 2019 this number had increased to 217 properties, challenging the ability of By-law and Regulatory Services to effectively manage the increased inspections and service request volumes required to address community nuisance and public health and safety concerns.

A review of service request data, attached as Document 4, shows that vacant properties continue to generate significant service demand for By-law and Regulatory Services, Public Works, Building Code Services and other City departments. As a result, staff recommend that a permit be required during the entire period of vacancy and up to the time the property is re-occupied in order to ensure accountability for owners and cost recovery for municipal services.

### **Financial Implications**

Staff anticipate that the proposed Vacant Property By-law can be implemented on a full cost recovery basis through annual permit fees of \$1,450, with a two-year fee exemption recommended for owners of vacant properties in particular circumstances. The addition of two full-time positions for By-law and Regulatory Services is required to implement, administer, monitor and enforce the new permit regime and accompanying regulations.

### **Public Consultation/Input**

The development of the recommended permit regime and related regulations was informed by consultations with stakeholders in 2021 and 2022, including owners of vacant buildings and lands as well as representatives of the real estate and development sectors, landlords, community housing providers and advocates, Business Improvement Areas, and community associations. Staff also published an Engage Ottawa webpage to invite input from the general public.

Support for a vacant property permit regime was highest among Business Improvement Areas and community associations. Stakeholders were generally in favour of measures that provided increased responsiveness and accountability for vacant property owners and mitigated commonly experienced effects of vacant properties in neighborhoods, such as property standards and maintenance violations, garbage on site, graffiti, and other nuisances. Property owners and developers expressed concerns about the financial strain and high costs related to vacant properties and were not in favour of

permit fees. Results of the consultation and engagement activities undertaken for this project are further detailed in the Consultation/Input section of this report.

## RÉSUMÉ

Le présent rapport contient des recommandations sur un nouveau système de permis pour les bâtiments et les terrains vacants, collectivement appelés « biens vacants », présentées dans le document 1. De plus, le personnel recommande des modifications complémentaires des normes de biens-fonds concernant les biens vacants ainsi que de nouvelles règles pour la sécurisation des bâtiments accessoires, présentées dans les documents 2 et 3 respectivement. Cet examen de la réglementation s'inscrit dans le Plan de travail de l'examen des règlements municipaux 2019-2022.

Le règlement recommandé sur les biens vacants vise à tenir les propriétaires responsables de la gestion de leurs biens vacants et à atténuer les répercussions négatives de ces biens sur le secteur environnant, comme la violation des normes de biens-fonds et d'entretien, les plaintes concernant les déchets et les vandalismes par graffitis ainsi que l'accès non autorisé, entre autres. Le système de permis outillera également le personnel pour repérer les bâtiments vacants problématiques plus facilement et rapidement. Ainsi, on préviendra davantage la « démolition par négligence » en s'attaquant aux problèmes de détérioration ou de perte de patrimoine bâti avant que les dommages ne soient irréparables.

Le nouveau régime de permis et le règlement :

- Permettront de recenser les biens vacants et d'obtenir les coordonnées à jour des propriétaires ou de leurs mandataires afin qu'ils puissent remédier aux problèmes relevés sur place sur demande
- Exigeront que le propriétaire ou un mandataire se rende sur la propriété toutes les deux semaines, au moins, pour voir s'il y a des problèmes à régler et corriger les éventuelles violations avant qu'elles ne s'aggravent
- Instaureront des exigences plus strictes en matière de lutte antiparasitaire pour les biens vacants afin de prévenir les infestations
- Exigeront que les terrains vacants où une structure a été démolie soient nivelés au moyen d'un matériau perméable à l'eau, comme de la terre et du gazon, pour réduire le ruissellement de l'eau de pluie, l'érosion du sol et l'accumulation d'eau
- Exigeront que les propriétaires condamnent ou sécurisent les bâtiments

accessoires pour prévenir l'accès non autorisé, si la Ville le demande

- Exigent que les propriétaires sécurisent les bâtiments ou terrains pour éviter les accès non autorisés, si la Ville le demande pour assurer la sécurité publique ou remédier à un autre problème

Selon le règlement recommandé, il sera obligatoire d'obtenir un permis de bien vacant si la propriété est inoccupée depuis 120 jours consécutifs. Des exceptions sont prévues pour les hivernants (« *snowbirds* »), des travailleurs itinérants et des résidences de vacances. De plus, pour compenser la pression financière pesant sur certains propriétaires de biens vacants, le personnel recommande une exemption des droits de permis de deux ans pour les biens dont le propriétaire est hébergé dans un établissement de soins, dont le propriétaire est décédé ou qui deviennent vacants à la suite d'une catastrophe ainsi que pour les fournisseurs de logements communautaires.

### **Hypothèse et analyse**

En 2013, on trouvait à Ottawa 95 biens vacants connus. En 2019, ce nombre était passé à 217, ce qui compliquait la tâche des Services des règlements municipaux, qui doivent gérer les inspections et les demandes de service, dont le volume a augmenté en raison de la nuisance publique et des effets sur la santé et la sécurité publiques.

Selon un examen des données sur les demandes de service, présenté dans le document 4, les biens vacants continuent de générer une grande demande pour les Services des règlements municipaux, les Travaux publics, les Services du Code du bâtiment et d'autres directions générales de la Ville. Ainsi, le personnel recommande qu'un permis soit requis pendant toute la période d'inoccupation jusqu'à ce que la propriété soit de nouveau occupée, afin de tenir les propriétaires responsables et de recouvrer les coûts des services municipaux.

### **Répercussions financières**

Le personnel estime que le Règlement sur les biens vacants pourrait être mis en œuvre avec un recouvrement complet des coûts assuré par des droits de permis annuels de 1 450 \$; il est recommandé d'accorder une exemption de deux ans dans certaines situations. Il serait nécessaire de créer deux postes à temps plein aux Services des règlements municipaux pour mettre en œuvre, administrer, surveiller et faire appliquer le nouveau régime de permis et la réglementation connexe.

### **Consultation publique/commentaires**

La mise au point du régime de permis et du règlement connexe recommandés s'est appuyée sur des consultations avec les intervenants en 2021 et en 2022, notamment

des propriétaires de bâtiments et de terrains vacants ainsi que des représentants du secteur immobilier et de l'aménagement, des propriétaires locataires, des fournisseurs de logements communautaires, des militants pour le logement social, des zones d'amélioration commerciale et des associations communautaires. Le personnel a aussi publié une page sur le site Participons Ottawa pour recueillir l'avis du grand public.

Ce sont les zones d'amélioration commerciale et les associations communautaires qui étaient le plus en faveur d'un système de permis pour biens vacants. En général, les intervenants appuyaient les mesures qui favorisent la réactivité et la responsabilisation des propriétaires et atténuent les répercussions courantes des biens vacants dans les environs, comme la violation des normes de biens-fonds et d'entretien, la présence de déchets et de graffitis et les autres nuisances. Les propriétaires et promoteurs ont soulevé la pression financière et les coûts élevés associés aux biens vacants, et n'appuyaient pas les droits de permis. Les résultats des activités de consultation tenues pour ce projet sont détaillés plus avant dans la section « Consultations » du présent rapport.

## **BACKGROUND**

As part of the 2019-2022 By-law Review Work Plan ([ACS2019-EPS-GEN-0009](#)), City Council directed staff to review the 2013 Vacant Building Strategy and related by-laws, including a review of property standards, property maintenance, and other regulations as they apply to vacant buildings, as well as a review of vacant building strategies in other jurisdictions to attempt to reduce the amount of time a building actually remains vacant. Council further directed staff to consider pest control for vacant properties, as well as the feasibility of the conversion of buildings left unused and vacant to mixed income housing and/or supportive housing.

The City of Ottawa adopted the Strategy to Address Vacant Buildings ([ACS2013-COS-EPS-0011](#)) in April 2013. The focus of the initial strategy was mitigating the negative impacts of vacant properties by “ensuring property owners take responsibility for maintaining their lands and buildings in good condition.” ([ACS2013-COS-EPS-0016](#), p. 2)

This strategy was implemented in two stages. The initial stage established a Vacant Building List to identify and monitor vacant properties. Properties on the list are inspected twice annually to monitor compliance with property standards and other related by-laws. The second stage report, Strategy to Address Vacant Buildings – Update ([ACS2013-COS-EPS-0016](#)) was adopted in September 2013, introducing

specific regulations to address public health and safety concerns and community nuisances at vacant properties. These included:

- Enactment of a new Property Standards By-law (2013-416), including specific sections concerning vacant buildings, vacant heritage buildings, and vacant lands
- Amendments to the Property Maintenance By-law (2005-208) to include provisions for the location of receptacles, outdoor furniture, dead and dangerous trees, and unsafe conditions

Initially, staff allocated two Property Standards Officers to administer and enforce by-laws at vacant properties. Those Property Standards Officers were later reallocated to other Council-directed priority initiatives. Vacant building matters were subsequently distributed amongst all Property Standards Officers until 2017, when an Officer was assigned on a full-time basis to enforce vacant building matters and support the Heritage Matters Task Force.

### **Current State**

As of October 2021, there were 216 known vacant properties on the City's list, a notable increase from the 95 that were identified in 2013. This increase has resulted in a growth in enforcement demand by By-law and Regulatory Services.

More than half of the currently vacant properties are in three urban wards:

- Rideau-Vanier Ward: 51 properties
- Kitchissippi Ward: 38 properties
- Somerset Ward: 29 properties

Properties on the vacant building list are predominantly residential single-family homes and duplexes. Of the 216 properties:

- 156 properties (72 percent) were previously used for residential housing, with a total of 190 dwelling units
- 28 properties (13 percent) were previously used for commercial purposes
- 20 properties (nine percent) were previously used for institutions, including embassies, federal and provincial government agencies, and faith centres



- 10 properties (five percent) had mixed use, including 15 residential units
- One property was used for agriculture and one for industrial use

There are 36 properties on the vacant building list that are designated under the *Ontario Heritage Act*.

#### *Impacts on communities*

The impacts of vacant properties on the surrounding community were assessed in consultation with community associations, Business Improvement Areas, and residents. These groups expressed concerns regarding the length of time properties remain vacant and reported experiencing or observing issues related to non-compliance with property standards and property maintenance requirements, solid waste, pests, and other nuisances.

#### *Service demands for vacant properties*

Staff conducted an analysis of the municipal service request histories for the 216 current vacant properties. This analysis, attached as Document 4, confirms that vacant properties present an elevated risk of community nuisance such as exterior waste and debris, long grass and weeds and vandalism graffiti, as well as public health and safety concerns involving needle recovery, risk of fire, and requests for emergency services at vacant properties. The data shows this risk is most likely to occur on properties with boarded up buildings, which are as much as 14 times as likely to generate service requests for by-law enforcement and 1.5 times as likely to generate requests for emergency services.

#### *Anticipated future development*

Staff reviewed development applications, approvals and permits for the 216 properties on the vacant property list to better understand the influence of development on the number and duration of vacancies. This data also served to inform the design of the recommended permit system, attached as Document 1.

Staff identified 110 properties with development plans in process:

- There are 96 properties (44 percent) where future residential development is planned, including 23 mixed use properties
- There are nine properties (four percent) where future institutional use is planned
- There are five properties (two percent) where future commercial use is planned

Of significant note, these development plans may contribute to the development of more than 7,100 new dwelling units:

- There are 27 properties that are being joined to adjacent lots to enable large-scale high-density redevelopment, anticipated to provide approximately 5,700 new residential dwellings
- There are 41 properties where low or mid-density infill development is anticipated to provide 360 new dwelling units, a net increase of 296
- There are 24 properties where renovations are being planned or undertaken. Completing these renovations is anticipated to return 28 dwellings to the housing supply
- There are four rural properties that are being incorporated into new subdivisions near the urban boundary, anticipated to include more than 1,000 new residential dwellings

### **Relevant policies and programs**

In addition to the Strategy to Address Vacant Buildings ([ACS2013-COS-EPS-0011](#)), Council has enacted subsequent policies and programs concerning vacant properties. In addition, staff note the possible impacts of recent legislation and policy proposals under consideration by the Province of Ontario, as described further in this section.

- Repeal of Tax Rebates for Vacant Commercial Properties ([ACS2017-CSD-REV-0004](#))
- Heritage Matters Task Force ([ACS2017-PIE-RHU-0012](#)) and Heritage Watch List ([ACS2022-PIE-RHU-0003](#))
- Heritage Tax Rebate Program for Building Restoration ([ACS2017-PIE-RHU-0012](#))
- Residential Vacant Unit Tax ([ACS2021-FSD-REV-0004](#))

By-law and Regulatory Services has provided administrative support for the above listed initiatives through coordination of the vacant building list and the sharing of relevant information to support policy development. In addition, the Service provides enforcement for heritage protection in conjunction with the Heritage Planning Branch of Planning, Real Estate and Economic Development and will begin enforcement support for the Residential Vacant Unit Tax in 2023.

Staff further note the possible service impacts of recent policy proposals under consideration by the Province of Ontario. In February 2022, the Province of Ontario issued the [Report of the Housing Affordability Task Force](#). The Province's report provides 55 recommendations intended to reduce the cost of housing by increasing the supply of available units, as further discussed in the City of Ottawa's Response to the Ontario Housing Affordability Task Force Report Recommendations ([ACS2022-PIE-EDP-0008](#)). On April 14, 2022, the Province enacted the *More Homes for Everyone Act, 2022*, amending the *Planning Act* and other statutes with the intent of speeding up housing development. Many of the Task Force's recommendations were not included in this legislation, however the Minister has stated the government is committed to implementing the recommendations over the next four years and is initiating further consultations with municipalities, federal partners, and other stakeholders.

Staff anticipate these measures could significantly impact the number and nature of vacant properties due to increased redevelopment in established urban and suburban neighbourhoods. This will need to be monitored and assessed to inform future policy development regarding vacant properties.

## **DISCUSSION**

The purpose of this report is to recommend new or updated regulations for vacant buildings and lands to address community nuisance, property standards, property maintenance and related concerns associated with vacant properties. Staff are specifically recommending that Council adopt a new Vacant Property By-law, to implement a permit system for vacant buildings and lands, as described below and attached as Document 1, along with two full-time equivalent positions for Property Standards Officers, to be funded on a cost recovery basis from permit fees.

Staff are further recommending amendments to existing regulations, as follows:

- Amendments to the Property Standards By-law (No. 2013-416), as amended, to address pest control, grading, drainage, foliage, and fencing or other enclosures as needed for vacant properties, as described under "Recommendation 2 - Amendments to the Property Standards By-law" and attached as Document 2
- Amendments to the Board Up By-law (No. 2010-211), to require that accessory structures be secured against unauthorized access, as described under "Recommendation 3 - Unauthorized access to accessory structures" and attached as Document 3

The benefits of the recommended permit system include:

- Increased accountability for property owners to maintain their vacant properties and mitigate community nuisance and public health and safety issues as they occur
- Self-identification by vacant property owners leading to improved case management and enforcement outcomes, including faster resolution of by-law violations
- Improved occupational health and safety for enforcement staff and emergency first responders who attend vacant properties
- Enhanced data collection about vacant buildings both to monitor their state and to support future evidence-based decision making
- Cost recovery through fees charged to the owners of vacant properties to support inspections and enforcement as well as administration of the permit system

The recommended amendments to Part IV of the Property Standards By-law (2013-416), as amended, are anticipated to:

- Reduce incidents of pest infestation and re-infestations on vacant properties through increased emphasis on prevention
- Reduce storm-water run-off, soil erosion, and pooling water by requiring vacant properties where buildings have been demolished to be graded with water permeable materials

The recommended amendments to the Board Up By-law (2010-211), are anticipated to prevent or resolve situations where unauthorized persons access or occupy accessory structures.

This report further identifies promising practices implemented in other jurisdictions and discusses key considerations regarding their possible future application in Ottawa.

### **Recommendation 1 - A permit system for vacant buildings and lands**

Staff recommend the establishment of a permit regime for buildings and lands, as set out in Document 1. The recommended Vacant Property By-law would require the owners of vacant properties to proactively disclose when their properties become vacant, obtain a permit, and follow the prescribed performance standards for the duration of vacancy.

Proactive disclosure of vacancy is anticipated to result in the identification of more vacant properties more quickly than the current reactive approach. Under the current model, properties are added to the vacant building list only after they have generated service requests for by-law violations and By-law and Regulatory Services has determined that the property is vacant during the course of their investigation.

By-law and Regulatory Services has investigatory powers and tools to identify vacant properties should an owner fail to disclose the vacancy. The Director also has the authority to order the owner to take out a permit in these cases.

The recommended by-law would apply to vacant buildings, including vacant freehold semi-detached dwellings and townhouses, as well as vacant lands. Specific exclusions are discussed in the “Exclusions” section below and listed in Section 7 of Document 1.

#### *Beginning of vacancy*

Staff recommend that a property be considered vacant and a permit be required when the property has been unoccupied for a period of 120 consecutive days. The Director of By-law and Regulatory Services would have authority to order a property owner to obtain a permit sooner in cases of vacancy caused by fire or other events where the property is unlikely to become reoccupied in the near term.

This vacancy threshold will allow property standards staff to become aware, in a timely manner, of a vacant building or land and to monitor and inspect such properties and deal with the owners for any deficiencies. Staff have balanced the benefits of early identification and intervention with the unique circumstances of the property owner. Since the goal of the permit regime is to identify properties which will remain unoccupied for a variety of reasons, exclusions have been recommended to address the needs of snowbirds and travelling workers, and seasonal residences, where the property is expected to be re-occupied in short order.

#### *Determining the end of vacancy*

Staff recommend that once a property has been declared vacant, the obligation to hold a permit should remain until a property has become re-occupied. This would be determined by the issuance of an Occupancy Permit by Building Code Services, or other proof satisfactory to the Director of By-law and Regulatory Services that the property is being used consistent with its zoning.

This recommendation has considered municipal land use management and development processes, as well as the service request and development histories of properties on the current vacant building list. Particular consideration was given to

alternative off-ramps to permit requirements, such as the issuance of construction or demolition permits or the filing or approval of various development applications. The policy rationale for maintaining permit requirements until a property is returned to use are as follows:

- The property standards, maintenance, solid waste and other community nuisance impacts of vacancy continue to place elevated demand on By-law and Regulatory Services through all stages of vacancy and redevelopment, as reflected in the service request history described in Document 4.
- The City should encourage properties to remain in use for as long as possible, even when redevelopment is being considered. Premature or unnecessary vacancies should be discouraged where possible.
- There are multiple properties on the current vacant building list where construction or demolition permits have been approved but not undertaken. There are also multiple properties that have undergone repeated redevelopment applications without result, in some cases for years or even decades. As such, creating exclusions from the permit regime for development processes is not recommended. Doing so would likely dilute the permit regime's effectiveness in managing the anticipated service demands for inspections and enforcement.

#### *Exclusions*

Staff are recommending that the following properties be excluded from the requirement to obtain a vacant property permit:

- Principal residences where the occupant is away temporarily, such as snowbirds or travelling workers
- Seasonal cottages and vacation homes
- Greenspace, as defined in the Zoning By-law, and core natural areas such as wetlands and urban natural features
- Properties used for agricultural purposes
- Non-heritage properties in rural zones, other than rural villages and rural residential zones
- Properties owned by the City of Ottawa

These types of vacant properties are less likely to cause negative impacts for the surrounding community and imposing a permit on these properties would result in significant additional costs for both the municipality and the property owner, while providing limited benefit to the community.

#### *Conditions of issuance*

In order to obtain a permit, the property owner would have to meet application requirements set out in Document 1. These include providing the City with current contact information for the owner or a property manager who can be contacted to resolve concerns related to the property.

#### *Obligations of permit holders*

Under the recommended permit system, vacant property owners would be required to:

- Have a responsible person attend the property a minimum of once every two weeks to identify and remediate any by-law violations
- Notify the City of any known hazardous conditions on the property, as they occur
- Post a contact notice on vacant buildings, or site hoarding, as described in “Contact notice” below
- Secure or enclose the building or land to prevent unauthorized access or activities when directed by the City due to concerns for public health and safety or other concerns on site
- Update any information included on their permit application within seven business days of a change

#### *Contact notice*

Staff recommend that an owner be required to post a notice on their vacant building to provide the community with a contact number to report issues on site. This recommendation is similar to requirements under the City of Hamilton’s Vacant Building Registry By-law No. 17-127, as amended. During consultations with City of Hamilton Licensing and Enforcement staff, they indicated that this measure has led to significant improvement of vacant building management. Requiring the owners of vacant buildings to provide a contact number on site creates an avenue for direct communication between the owners of vacant buildings and members of the community which can provide for rapid resolution of community nuisance and health and safety concerns, often without municipal intervention. This measure may further facilitate opportunities for

re-occupancy or sale of a property, or temporary uses as described under the “Promising Practices” section of this report.

This measure was favorably received by some stakeholders who indicated that community members often would prefer to initially report a problem on site to the building owner rather than City staff but may have difficulty identifying or contacting the owner in question.

Property owners may choose to provide their own contact number, or that of a responsible neighbor, property manager, contractor or other person who can receive the message and respond to the situation. The name of the owner or contact is not disclosed, nor is the reason for vacancy or any other information about the building. The proposed by-law will require that the notice be safely and securely attached to the side of the vacant building or to the hoarding, prominently placed, and will prescribe the size and bilingual content of the notice to ensure maximum visibility from the street. The contact number will have to be kept up to date, which will be verified by By-law and Regulatory Services.

#### *Insurance Requirements*

Staff recommend that vacant building owners be required to obtain third-party liability insurance with a minimum of \$2 million coverage as part of the permit regime requirements to ensure protection for themselves, their neighbors, or others who may suffer damages or be negatively affected by an accident or incident on the vacant property.

Staff consulted with the Insurance Bureau of Canada regarding recommended insurance coverage for vacant properties. The Bureau advised that insurance coverage for vacant properties is available, however noted that some insurance policies may be voided if a property has become vacant and no prior notice has been given to the carrier or broker, thereby creating a lack of protection in the event of a claim during vacancy. It is therefore important from a consumer protection perspective that owners deal directly with their brokers to advise of any vacancy and particular conditions on the property to ensure they are adequately insured.

To resolve this issue, the recommended permit system would require a letter from the insurance broker or carrier indicating that they have been made aware by the owner that the property is vacant and affirming that the policy remains in effect. It is further noted that ensuring adequate insurance coverage is in place helps property owners move forward with claims and obtain recovery from incidents at their vacant property,



which ultimately may avoid delays in remediation and ensure that the property is reoccupied as soon as possible. The recommended insurance provisions are detailed in Section 22 of the Document 1.

Under the proposed regime, if a property owner can demonstrate that they have attempted to but are unable to procure insurance for their property, the Director of By-law and Regulatory Services will be authorized to waive the insurance requirements. However, the Director may decide to impose additional conditions on the permit, such as a requirement to fence off the property, to address potential health and safety issues relating to the property.

#### *Enhanced protection of built heritage*

The recommended by-law, attached as Document 1, includes specific considerations for heritage properties:

- The permit regime would apply to vacant designated heritage properties city-wide, including heritage properties in rural areas
- When they apply for a permit, owners of vacant properties designated under the *Ontario Heritage Act* will automatically receive a Vacant Heritage Building information sheet from the Heritage Planning Branch. This information sheet will identify all known heritage attributes at the property and provide educational material concerning the owner's obligations to preserve heritage attributes
- All vacant heritage properties, and exterior heritage attributes, will be photographed by City staff following the issuance of a permit and at all subsequent inspections. This will serve to document the state of heritage attributes, identify any deterioration, and inform recommendations for remediation or enforcement actions
- Contact notices, as described in the "Contact notice" section of this report, would be affixed to heritage buildings in a manner that does not damage masonry or facades
- The order-making provisions of the recommended by-law would supplement the order-making provisions in the Property Standards By-law (No. 2013-416), as amended, to compel owners to undertake property standards or maintenance work, protection work, or other remediation activities, as necessary and at the owner's expense

In addition to the regulatory measures described above, the recommended by-law is anticipated to support early communication and sharing of relevant data between By-law and Regulatory Services and Heritage Planning Services as soon as a vacant heritage building is identified, thereby strengthening the collaboration and case management practices first established under the Heritage Matters Task Force in 2017.

### **Permit administration and enforcement**

Under the proposed regime, a vacant property permit could be refused, suspended, or terminated, and may have additional conditions placed on it by the Director of By-law and Regulatory Services. In each case, the property owner would have an independent avenue of appeal through the Property Standards and License Appeals Committee.

#### *New enforcement tools*

Establishing a permit system for vacant properties will provide By-law and Regulatory Services additional enforcement tools to prevent, identify and remediate by-law violations. These include:

- The ability to order work to rectify a by-law violation. Should the owner not complete the work as ordered, the City may complete the work and recover costs through the tax roll
- The establishment of specific performance standards for the owners and property managers of vacant properties such as the requirement to have a responsible person visit the property every two weeks and to post contact information on all vacant buildings
- The by-law would further authorize the Director of By-law and Regulatory Services to conduct enforcement against permit requirements, such as failing to obtain a permit, failing to inspect a property, or other conditions prescribed in the recommended by-law, attached as Document 1
- The creation of penalties for non-compliance, including set fines of up to \$1,000 as well as a system of escalating fines for significant or reoccurring non-compliance with maximums of up to \$100,000 per day. Fines issued under the recommended by-law may be applied in addition to fines for violations under the Property Standards By-law or other applicable by-laws, depending on the situation

### **Enforcement Capacity**

To administer and enforce the recommended by-law, By-law and Regulatory Services has identified the need for two full-time equivalent positions for Property Standards Officers, as identified in recommendation 1. This recommendation is informed by the experience By-law and Regulatory Services has accrued since the implementation of the 2013 Vacant Building Strategy, as well as the service request data included in Document 4. Increased capacity provided by two positions is further supported by experience of the City of Hamilton. Hamilton has approved one Property Standards Officer for every 100 properties, with the automatic authorization for an additional 0.5 temporary full-time equivalent for each additional 50 properties on their registry.

The City of Ottawa currently has one dedicated Property Standards Officer assigned for more than 200 properties. Since 2019, the case load related to these properties has surpassed 800 investigations per year. This has proven to be unsustainable and has limited the ability to conduct proactive inspections and follow-up enforcement in a timely manner. At times, other Property Standards Officers have been assigned to vacant property cases files. This impacts their own case load and timelines to resolve other property standards investigations.

Additionally, the above-noted position is funded through the tax roll, with no cost recovery for services. Under the recommended permit approach, the two full-time equivalent positions would be funded on a full cost-recovery basis through permit revenue paid by vacant property owners. This would enable By-law and Regulatory Services to meet anticipated service demand for vacant properties, including the additional enforcement duties introduced through the permit regime. The existing FTE will be re-allocated to other enforcement activities to help alleviate current service demand, as reported in the By-law and Regulatory Services 2019 and 2020 Annual Report ([ACS2021-EPS-BLR-0001](#)).

The Heritage Planning Branch in the Planning, Real Estate and Economic Development Department is also closely involved in the enforcement of the Property Standards by-law as it relates to vacant heritage properties. There are currently 36 properties on the Vacant Building List that are designated under the *Ontario Heritage Act*. Staff in the Heritage Planning Branch collaborate with By-law and Regulatory Services to conduct site visits, assist in drafting orders related to heritage properties, liaise with property owners, attend appeal hearings and other matters as required. The proposed permit regime may result in additional heritage properties being identified and added to the vacant building list. As a result, staff will monitor workload related to the recommended permit regime over the course of 2023 to determine the impact on staff resources, and if

necessary will bring forward a recommendation to Council in advance of the 2024 budget process for an additional fee for vacant heritage property owners to recover costs for additional resources.

### **Permit fees and exemptions**

Based on the current number of vacant properties, staff anticipate that an annual permit fee of \$1,450 would be required to achieve full cost recovery for the administration and enforcement of the recommended permit regime and supporting regulations. The standard permit administration fee of \$57 would also apply to all applications, resulting in a total cost of \$1,703 with HST.

For comparison, the City of Hamilton currently charges \$1,115 for the first year and \$824 for subsequent years, plus HST. Hamilton's regime also includes additional service fees, such as a \$300 surcharge for each additional building on a property. The City of West Kelowna charges \$1,500 per year, plus \$500 for each safety inspection.

The City of Winnipeg charges one per cent of the assessed property value for all empty buildings. For empty buildings that are also boarded up, Winnipeg charges \$2,517 per year, plus 12 per cent HST, for residential properties and applies escalating fees ranging from \$2,517 for the first year to \$8,109 for the fourth year for commercial properties. Beyond the fourth year, the fee for boarded up commercial properties increases by an additional \$1,880 per year.

The fee structure in Winnipeg is designed to provide cost recovery while further serving as a deterrent to long-term vacancies. This is not possible within the Province of Ontario. Under Section 391 of the *Municipal Act, 2001*, municipalities may charge fees to provide cost recovery for specific services such as the provision of a permit regime. These fees are in the nature of a user fee and cannot be used as a punitive measure or alternative to taxation.

Further information about permit fees and the projected budget for the proposed regulations are included under the "Financial Implications" heading.

### *Fee Exemptions*

Staff have considered the consequences fees may have on property owners, as well as the possible unintended consequences that may result from these fees. Following consultation with internal departments and external stakeholders, staff are recommending that certain vacant properties be required to obtain a permit but should be exempted from paying the annual fee for the first two years of vacancy. This would

provide a grace period for circumstances beyond the owner's control, and limit fees that are contrary to public interest.

The recommended two-year fee exemptions are as follows:

- Properties where the owner has died, to prevent undue stress on family and provide time for the settling of the estate
- Properties where the owner is in care, such as hospital, long-term care facility, or other assisted living facility, to provide time to address power of attorney and related legal issues for the vacant property
- Properties that have been rendered uninhabitable due to a catastrophic event, such as fire, flooding, or extreme weather, to provide the owner time to process insurance claims and determine future plans for the property
- Community housing agencies under the *Housing Services Act, 2011* or under agreement with the City's Housing Services Branch, to reduce possible liabilities resulting from funding shortfalls or other delays

Staff have considered but do not recommend additional fee exemptions for not-for-profit or charitable organizations because such exemptions would create a possible avenue for fee avoidance by property owners that could jeopardize cost recovery for the proposed regime.

### **Recommendation 2 - Amendments to the Property Standards By-law**

Staff are recommending amendments to Part Four of the Property Standards By-law (No. 2013-416), as amended, to address pest control, and grading and drainage, as attached in Document 2 and described below.

#### *New pest control measures*

Staff assess that existing enforcement of pest control is largely effective. As noted in the Background Section, and detailed in Document 4, one in four vacant properties has generated service requests for pest issues. However, staff identified only nine incidents where new complaints have occurred within six months. The average period between reported re-infestations was 1.9 years. As such, staff focused consideration of additional pest control measures on preventative actions.

Staff are recommending a revised performance standard that requires owners to keep properties free from “pests and from conditions which may encourage infestations”. This amendment will bring the regulation of vacant properties in line with the amendments for pest control introduced in August 2020 as a component of the Rental Housing Property Management By-law and Rental Accommodation Study Update ([ACS2020-EPS-GEN-0002](#)).

Staff anticipate that this revised standard, when combined with the recommended permit system and the order making powers, will likely reduce overall service demand and may further enable pest control issues to be resolved more quickly.

#### *Surface drainage and grading*

Staff are proposing technical amendments to the existing grading and drainage provisions contained in Section 69 and subsection 72 (4) of the Property Standards By-law to require that surfaces of vacant lands where buildings have been demolished be graded with a water permeable material, such as soil, to reduce storm water run-off and risks of pooling water or soil erosion that may result from ineffective drainage. The purpose of this measure is to reduce the environmental impacts of storm-water run-off and erosion that may occur but may also have secondary benefits such as reducing standing water that may attract pests or serve as mosquito breeding habitat, as recommended by Ottawa Public Health’s guidance to [Prevent West Nile Virus](#).

#### *Landscaping amendments*

Staff are proposing technical amendments to Section 70 of the Property Standards By-law to require that heavy undergrowth and long grass be removed from vacant properties, while making allowance for landscaping features or agricultural use that may occur through the temporary use of these sites for community gardens, temporary parks, or other approved uses. This standard aligns closely with existing standards for residential properties contained in Part Two of the by-law, and would support potential temporary uses to be made of vacant lands, as noted in the “Promising practices” section of this report.

#### *Site security*

Staff are proposing to amend Section 71 of the Property Standards By-law to provide authority to the Chief Property Standards Officer to order that enclosures such as fencing or site hoarding be installed, at the owner’s expense, to prevent unauthorized access to buildings, accessory buildings, or lands, when it is deemed in the public interest. Examples where enclosures may be appropriate include properties with severe re-occurring property damage or risks of fire caused by unauthorized occupants.

**Recommendation 3 - Unauthorized access to accessory structures**

Staff are recommending amendments to the Board Up By-law (No. 2010-211) to authorize the Director of By-law and Regulatory Services to order the board up or securing of accessory structures, such as a garden shed, that are present on a vacant property. Currently this authority only exists for buildings. This recommended amendment follows consultation with the Hintonburg and Dalhousie community associations, which reported incidents where unauthorized persons have occupied accessory buildings. By extending board up requirements to accessory structures, the Director of By-law and Regulatory Services, can address this situation on a case-by-case basis.

**Non-regulatory initiatives**

Should Council approve the recommended permit system, attached as Document 1, staff will undertake the following supporting measures to facilitate implementation and compliance and advance administrative support to other Council priorities affecting vacant properties as described below.

*Vacant property information page*

Emergency and Protective Services will work with other implicated departments to develop a Vacant Property page on ottawa.ca. This page would provide an integrated “one-stop shop” for all matters related to vacant property management, including the permit system and related by-laws as well as the Residential Vacant Unit Tax program that was adopted by Council on March 23, 2022. Relevant grant and subsidy information as well as development information and supports for vacant property owners could also be included on this information page. The creation and timing of this information page would be dependent on and subject to the workloads and capacity of staff from the implicated departments.

*Data sharing with other departments*

The recommended permit system is anticipated to improve the identification of vacant properties, data collection and case management. Emergency and Protective Services will be able to utilize data for enforcement, performance management and future policy development.

In addition, Emergency and Protective Services has explored how permit data may be used to support other City departments and Council-approved initiatives and will continue to work with Legal Services and the City’s Access to Information and Privacy Office to ensure that data is shared where possible while adhering to privacy legislation. For example, Housing Services may receive address information for vacant properties

to identify and explore opportunities for property acquisition for affordable or supportive housing in accordance with Council-approved policies. Ottawa Fire Services can use address and safety information from the vacant property permit system for fire prevention and hazardous material response and to support occupational health and safety for first responders.

Heritage Planning Services can use permit information of designated heritage properties, for the purpose of built heritage conservation. Revenue Services can use address information for administration of the Residential Vacant Unit Tax, and Building Code Services will have access to all permit and enforcement data concerning vacant properties for the administration and enforcement of the *Building Code Act, 1992*.

In all cases where data from the proposed permit system is disclosed and used by City departments, the required notice of collection will be provided to permit holders to advise of the purpose of collection as well as the use and disclosure of the information as required under the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Promising practices**

In addition to the above noted recommendations, staff have identified promising practices from other jurisdictions that may inform current initiatives in other City departments or merit exploration for application at a future date.

#### *Redevelopment information service*

Public consultations identified the possibility of creating an information or “concierge service” for the owners of vacant properties, to provide relevant information to owners and facilitate the re-use or redevelopment of these properties. This concept was supported by both property owners and community associations consulted for this review.

One example of a similar program is the Business Ambassador Program implemented by By-law and Regulatory Services to facilitate the establishment of new restaurants and other food premises. Stakeholders advised that a similar service for vacant properties could help owners navigate development policies and procedures, facilitate the re-sale of properties where the owner cannot re-develop on their own, or connect owners to service organizations that may have use for the property until re-development can occur.

Staff assess that such an initiative should be considered after the recommended permit system has been implemented and validated, as permit data would be needed to



conduct the evidence-based policy development and cost-benefit analysis needed to determine if such a program would be cost effective and beneficial to the community.

#### *Temporary housing inventory*

Consultation with property owners and developers has identified a practice, common among larger developers, to vacate otherwise viable rental properties in advance of redevelopment. This practice can be advantageous to developers, as they can avoid expenses for the eviction or relocation of tenants under the *Residential Tenancies Act, 2006*.

However, this practice can result in two negative consequences for the municipality:

- Viable rental units are not available for housing residents
- The existence of so-called “zombie properties” that are underutilized and often under maintained for extended periods, impacting the quality of housing for remaining tenants and generating increased demand for By-law and Regulatory Services

Some property owners expressed interest in making these units available for tenants, provided that they could do so outside of the obligations under the *Residential Tenancies Act, 2006*. One option proposed was to use these units as an inventory of emergency shelter space or term-limited affordable housing.

Housing Services Branch has expressed interest in exploring this option further, in partnership with local housing providers and community agencies. However, staff note that such arrangements would have to be made on a case-by-case basis, depending on the suitability of the property and the service agreement negotiated between the owner and the housing provider.

#### *Temporary use initiatives*

Multiple jurisdictions identified in the environmental scan, attached as Document 5, have developed programs for temporary use of vacant properties. Examples of temporary uses include parkettes, community gardens or pop-up venues for entertainment or dining.

The possibility of allowing temporary uses for vacant properties has already been considered in the New Official Plan. Under Volume 2A - Consolidated Urban Secondary Plans Package - November 24, 2021, Subsection 3.2 10) c) notes that for vacant lots in the Central and East Downtown “The City will prohibit the creation of surface parking lots on newly vacant land and instead require that such lands be appropriately

landscaped, publicly accessible areas for the interim period between demolition and redevelopment.” (p. 5) Further temporary and adaptive uses may be considered through the development of the new Zoning By-law in the next Term of Council.

#### *Future tax policies*

The City of Ottawa’s approach to taxation of vacant properties has shifted over time, as evidenced by the Repeal of Tax Rebates for Vacant Commercial Properties report ([ACS2017-CSD-REV-0004](#)) and the planned Residential Vacant Unit Tax ([ACS2021-FSD-REV-0004](#)). Rebates for heritage properties remain available, as discussed in the Heritage Tax Rebate Program for Building Restoration report ([ACS2017-PIE-RHU-0012](#)).

Most residential properties and vacant lands are assessed according to a direct comparison of the price of similar properties in the community. Other property types, such as commercial, may be assessed according to how much income a property could be expected to generate. However, properties may also be assessed according to their “highest and best use”. This method accounts for the development potential of the property. While “highest and best use” valuations are utilized for vacant property in other jurisdictions such as Vancouver, within Ontario this method is not applied consistently.

The City of Ottawa could write to the Minister of Finance to lobby that the Municipal Assessment Corporation apply the “highest and best use” valuation more consistently for vacant properties, particularly in urban areas with high demand for new housing and services. Alternatively, the City may wish to write to the Minister of Finance to lobby for the expansion of the residential vacant unit tax to other classes of properties.

#### *Taking title without compensation*

As noted in the Document 5, the power to take title of vacant property without compensation to the owner appears to be unique to the City of Winnipeg. Changes to provincial legislation would be required to provide similar authority to the City of Ottawa. Further research and consultations with the Province of Ontario, other municipalities and affected stakeholders would be required in order to explore whether this authority could be beneficial as a last resort option to address serious neglect or frustrated redevelopment in an Ontario context.

### **Conclusion**

The proposed approach for regulating vacant properties, including the recommended permit system and associated by-law amendments, is anticipated to mitigate the

negative community impacts associated with vacant properties. The annual permit fee of \$1,450 is expected to provide sufficient revenue to fund two full-time equivalent positions for Property Standards Officers for the administration, proactive inspections and other enforcement activities required under the approach. The proposed permit regime and other by-law amendments are further anticipated to improve the administration and enforcement of heritage protection regulations to help prevent demolition by neglect. The proposed permit regime is also anticipated to enhance the ability of By-law and Regulatory Services to support the work of other departments. An implementation date for the new permit regime of November 1, 2022 is anticipated, however staff recommend that the amendments to the Property Standards By-law and Board Up By-law be implemented immediately.

### **FINANCIAL IMPLICATIONS**

All financial implications are as reflected in the report. The proposed permit regime will be implemented on a cost-recovery basis through permit fees to offset the cost of administration and enforcement. The addition of 2 full-time equivalent positions for By-law and Regulatory Services are required to administer and enforce the proposed regulations.

### **LEGAL IMPLICATIONS**

There are no legal impediments to implementing the recommendations set out in this report.

The Municipal Act, 2001, paragraphs 6, 8 and 10 of Section 10(2), allow a single-tier municipality may pass by-laws respecting “health, safety and well-being of persons,” “protection of persons and property, including consumer protection” and “structures, including fences and signs.” Section 8(3) of the Municipal Act provides that a municipality may regulate, prohibit and require persons to do certain things respecting matters such as obtaining a permit. Finally, section 128(1) of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances including matters that are or could become or cause public nuisances in the opinion of Council. The Vacant Property Bylaw is consistent with these purposes.

The proposed regulatory by-law has been drafted such that it will not come into effect until November 1, 2022, to ensure that property owners have adequate time to apply for necessary permits.

### **CONSULTATION**

The Public Policy Development Service sent a letter to the registered title holder of each known vacant property inviting them to consult on this project. An email invitation was also sent to:

- Local real estate, development and landlord organizations
- Community housing providers and advocates
- Community associations, city-wide
- The Ottawa Coalition of Business Improvement Areas and individual BIAs

Staff also published an Engage Ottawa webpage to invite input from the general public.

An initial round of consultations focused on needs assessment, understanding the concerns of both property owners and community members, and identifying possible avenues for further policy development. A second round of consultations invited all registered stakeholders to review an online discussion paper and questionnaire.

### **What we heard**

All input received during the engagement and consultation phases of this review was shared with the Planning, Real Estate and Economic Development Department and with Housing Services within the Community and Social Services Department.

Discussions with vacant property owners explored causes of vacancy and factors that influence the duration of vacancy. Owners noted the complexity of municipal planning processes and standards as a key factor. These concerns were amplified for heritage properties, and where re-zoning or zoning exemptions are requested by the developer.

For residential properties, the *Residential Tenancies Act, 2006* was also cited as a key factor for larger developers and rental housing providers. In order to reduce liability associated with eviction of tenants, stakeholders reported that many landlords will choose to leave viable units empty in the period leading up to redevelopment. This can result in “zombie properties” where large portions of a building are underutilized.

While commercial leasing is more flexible in terms of ending a tenancy it was suggested that the cost and effort of finding a tenant and fitting out a property for only a limited period pending redevelopment often does not make good business sense. Stakeholders advised that this contributes to longer term vacancies in commercial properties or the commercial portion of mixed-use properties.

Noting the City of Ottawa’s development of a Residential Vacant Unit Tax, multiple

owners have suggested that a complementary tax incentive program could help some property owners to maintain occupancy for a longer time within the redevelopment process. Such incentives would enable property owners to conduct necessary maintenance, conditional on the owner maintaining tenants.

It was also suggested by some vacant property owners that there may be an opportunity to use vacant dwelling units for temporary shelters or term-limited housing supply, although the complexity of establishing such a system under existing provincial legislation was also noted.

There was strong interest among owners for exploring alternative temporary uses for vacant properties as they await redevelopment, provided that the process was simple and economical. Business Improvement Areas and community associations also expressed interest in temporary uses, noting the deleterious effects of vacant properties in their community. According to Business Improvement Areas, boarded up properties can negatively impact consumer perceptions and result in lost business for retailers and service providers throughout the district.

For residential areas, community associations have expressed concern about the number and duration of vacancies in their neighbourhood and the impacts of vacant properties on crime, property values, and overall quality of life. Residents shared examples of situations where they found that owners of vacant properties or lands have not been responsive to the community and have failed to maintain existing property and maintenance standards.

Staff discussed the concept of a vacant property permit system with all stakeholders, citing the example of the City of Hamilton's Vacant Building Registry. Support for such a system was highest among Business Improvement Areas and community associations. Multiple stakeholders expressed a desire for high permit fees, to serve as a deterrent to vacancy. However, property owners have argued that such fees are likely to be passed on to consumers and tenants through higher purchasing or leasing costs. Concern was also expressed that high fees will favour larger developers, creating a barrier for smaller investors that wish to buy and develop properties. Property owners further cautioned that any prospective permit system should be easy to comply with and simple and expressed concern about the permit fees and other costs to be imposed on owners in such a system.

The recommended amendments to the Property Standards By-law, attached as Document 2, and Board Up By-law, attached as Document 3, were supported by the

majority of stakeholders and stakeholder input resulted in revisions to staff recommendations, including:

- The recommended period where vacancy begins has been revised from 60 days to 120 days to address concerns raised by commercial property owners
- The possible refund of permit fees when re-occupancy occurs quickly, included as Section 16 of the recommended Vacant Property By-law, was added to the draft by-law as a result of stakeholder input
- The board up provisions for accessory structures were developed in response to concerns raised by community associations

### **ACCESSIBILITY IMPACTS**

Staff confirm that all information that will be made available to the public or to vacant property owners about the proposed permit regime and associated regulations will on Ottawa.ca will be compliant with the City's obligations under the *Accessibility for Ontarians With Disabilities Act, 2005*, and will be provided in French and English. In accordance with City policy, alternative formats and supports will also be made available upon request.

It is noted that some vacant property owners may also be considered to be a small or large organization under provincial accessibility legislation and may therefore be subject to the Provincial Integrated Accessibility Standard passed under it. While By-law and Regulatory Services does not administer or enforce this legislation, information on the appropriate provincial contacts can be provided to any member of the public wishing to make a complaint or express concerns about suspected non-compliance with accessibility legislation or regulations.

### **ENVIRONMENTAL IMPLICATIONS**

Staff have considered options to improve environmental stewardship of vacant properties. As a result, this report recommends measures to:

- Reduce storm water runoff and prevent soil erosion on vacant properties
- Provide more options for landscaping of vacant properties and to provide for potential use of vacant properties for urban agriculture and greenspace, as appropriate and in accordance with Council approved policies

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

## **RURAL IMPLICATIONS**

Rural properties, other than designated heritage properties and properties in rural villages, are recommended to be exempt from the Vacant Property By-law. These rural vacant properties are less likely to generate significant impacts on surrounding neighbors.

Staff have identified 28 heritage properties in areas other than rural villages that are not presently vacant but could become so in the future. Staff assess that these properties should be subject to the requirements of the recommended Vacant Property By-law in order to protect the heritage attributes on site.

## **TERM OF COUNCIL PRIORITIES**

This report supports the following strategic priorities identified in the 2019-2022 City Strategic Plan and Term of Council Priorities:

- Economic growth and diversification, by considering the continued health and vitality of small businesses, main streets and neighbourhoods
- Thriving Communities, including consideration of affordable housing and community safety and well-being
- Environmental Stewardship, including new protective measures to maintain the quality of Ottawa's drinking water sources

## **SUPPORTING DOCUMENTATION**

The following documents immediately follow this report:

Document 1 – Recommended Vacant Property By-law

Document 2 – Recommended amendments to Property Standards By-law (No. 2013-416), as amended

Document 3 – Recommended amendments to Board Up By-law (No. 2010-211)

Document 4 – Analysis of service request data for vacant properties

Document 5 – Environmental Scan

## **DISPOSITION**

Following approval of this report's recommendations, Emergency and Protective Services together with Legal Services will prepare the required by-law and by-law amendments for enactment by Council and will apply for appropriate set fines from the Province of Ontario in accordance with applicable processes. In addition, all related administrative requirements for implementation of the by-law and amendments will be undertaken.