

**7. EXEMPTION FROM THE DEMOLITION CONTROL BY-LAW  
FOR THE BUILDINGS LOCATED AT 99-107 PARKDALE**

**EXEMPTION AU RÈGLEMENT SUR LES DÉMOLITIONS POUR  
LES BÂTIMENTS SITUÉS AUX 99-107, AVENUE PARKDALE**

**COMMITTEE RECOMMENDATIONS**

That Council approve that 99-107 Parkdale Avenue be exempted from the requirements set out in the Demolition Control By-law in order to enable the demolition of the buildings to its foundation subject to the following conditions:

1. The Owner ensures the property is graded, sodded or seeded, fenced and maintained to the standards set out in the Property Standards By-law pending development;
2. The property is not used or occupied for any other interim use, except for the construction and occupancy of an on-site sales office and accessory parking; and
3. The Owner obtains all the required planning approvals within 2 years of June 12, 2012; the building permit is submitted within three years of June 12, 2012 and construction substantially completed within five years of June 12, 2012.
4. Subject to the approval of Recommendations 1 to 3, and prior to issuance of a demolition permit, that the Owner enter into an agreement with the City, to be registered on title to the lands, to ensure compliance with the above-noted conditions.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil approuve une exemption aux exigences du Règlement sur les démolitions pour les bâtiments situés aux 99-107, avenue Parkdale, afin de permettre la démolition des bâtiments jusqu'à leur fondation, sous réserve des conditions suivantes :

1. Que le propriétaire s'assure que la propriété soit mise à niveau, engazonnée ou ensemencée de pelouse, clôturée et entretenue conformément aux normes établies dans le Règlement sur les normes de bien-fonds, dans l'attente de son aménagement;
2. Que la propriété ne soit pas utilisée ou occupée pour aucune autre utilisation temporaire, sauf pour la construction et l'exploitation d'un bureau de vente sur place et d'une aire de stationnement accessoire;
3. Que le propriétaire obtienne toutes les approbations d'urbanisme requises dans les deux années suivant le 12 juin 2012, que le permis de construire soit demandé dans les trois années suivant le 12 juin 2012 et que les travaux de construction soient essentiellement terminés dans les cinq années suivant le 12 juin 2012.
4. Sous réserve de l'approbation des recommandations 1 à 3 et avant la délivrance d'un permis de démolition, que le propriétaire signe une entente avec la Ville qui sera enregistrée à l'égard du titre de propriété afin d'assurer le respect des conditions mentionnées ci-dessus.

#### DOCUMENTATION / DOCUMENTATION

1. Councillor Hobbs' report, dated 28 May 2012 (ACS2012-CMR-PLC-0011).  
Rapport de la Conseillère Hobbs, le 28 mai 2012 (ACS2012-CMR-PLC-0011).

Report to/Rapport au :

Planning Committee  
Comité de l'urbanisme

and Council / et au Conseil

May 28, 2012  
28 mai 2012

Submitted by/Soumis par : Katherine Hobbs, Councillor/ Conseillère  
Ward / Quartier 15

*Contact Person / Personne ressource: Katherine Hobbs, Councillor / conseillère  
613-580-2525, Katherine.Hobbs@ottawa.ca*

---

KITCHISSIPPI (15)

Ref N°: ACS2012-CMR-PLC-0011

---

**SUBJECT: EXEMPTION FROM THE DEMOLITION CONTROL BY-LAW FOR THE BUILDINGS LOCATED AT 99-107 PARKDALE**

**OBJET : EXEMPTION AU RÈGLEMENT SUR LES DÉMOLITIONS POUR LES BÂTIMENTS SITUÉS AUX 99-107, AVENUE PARKDALE**

### **REPORT RECOMMENDATIONS**

That Planning Committee recommend Council approve that 99-107 Parkdale Avenue be exempted from the requirements set out in the Demolition Control By-law in order to enable the demolition of the buildings to its foundation subject to the following conditions:

1. The Owner ensures the property is graded, sodded or seeded, fenced and maintained to the standards set out in the Property Standards By-law pending development;
2. The property is not used or occupied for any other interim use, except for the construction and occupancy of an on-site sales office and accessory parking; and
3. The Owner obtains all the required planning approvals within 2 years of June 12, 2012; the building permit is submitted within three years of June

12, 2012 and construction substantially completed within five years of June 12, 2012.

4. Subject to the approval of Recommendations 1 to 3, and prior to issuance of a demolition permit, that the Owner enter into an agreement with the City, to be registered on title to the lands, to ensure compliance with the above-noted conditions.

### RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une exemption aux exigences du Règlement sur les démolitions pour les bâtiments situés aux 99-107, avenue Parkdale, afin de permettre la démolition des bâtiments jusqu'à leur fondation, sous réserve des conditions suivantes :

1. Que le propriétaire s'assure que la propriété soit mise à niveau, engazonnée ou ensemencée de pelouse, clôturée et entretenue conformément aux normes établies dans le Règlement sur les normes de bien-fonds, dans l'attente de son aménagement;
2. Que la propriété ne soit pas utilisée ou occupée pour aucune autre utilisation temporaire, sauf pour la construction et l'exploitation d'un bureau de vente sur place et d'une aire de stationnement accessoire;
3. Que le propriétaire obtienne toutes les approbations d'urbanisme requises dans les deux années suivant le 12 juin 2012, que le permis de construire soit demandé dans les trois années suivant le 12 juin 2012 et que les travaux de construction soient essentiellement terminés dans les cinq années suivant le 12 juin 2012.
4. Sous réserve de l'approbation des recommandations 1 à 3 et avant la délivrance d'un permis de démolition, que le propriétaire signe une entente avec la Ville qui sera enregistrée à l'égard du titre de propriété afin d'assurer le respect des conditions mentionnées ci-dessus.

### BACKGROUND

Pursuant to Section 77 (12) of the Procedure By-law, Councillor Hobbs requested that the following resolution be placed on the Planning Committee Agenda for the 12 June 2012 meeting.

**WHEREAS** demolitions of residential dwelling units located in the former City of Ottawa are subject to the Demolition Control process as set out in the former City of Ottawa Demolition Control By-law, which is still in effect;

**AND WHEREAS** the Owner of the property located at 99-107 Parkdale Avenue is proposing to redevelop the site, requiring the demolition of four derelict residential dwelling units;

**AND WHEREAS** the Owner of the property has applied to re-zone the property and is in the process of preparing to submit a site plan control application and in the interim wishes to demolish the derelict buildings;

**AND WHEREAS** both area residents and the property owner are in agreement that the current buildings are a blight and ought to be demolished;

**AND WHEREAS** the Ward Councillor has indicated her support for exempting this property from the requirements of the Demolition Control By-law;

**THEREFORE BE IT RESOLVED THAT 99-107 Parkdale Avenue be exempted from the requirements set out in the Demolition Control By-law in order to enable the demolition of the buildings on the condition that (1) the Owner ensures the property is graded, sodded or seeded, fenced and maintained to the standards set out in the Property Standards By-law pending development, (2) the property is not used or occupied for any other interim use, except for the construction and occupancy of an on-site sales office and accessory parking; and (3) The Owner obtains all the required planning approvals within 2 years of June 12, 2012; the building permit is submitted within three years of June 12, 2012 and construction substantially completed within five years of June 12, 2012.**

## DISCUSSION

The Demolition Control By-law was introduced by the former City of Ottawa in the 1990s to control or reduce the depletion of residential rental units, either being demolished outright or converted into condominium units. The By-law provides the property owner two choices: apply to Council for an exemption to the by-law, which if approved requires the applicant to enter into an agreement with the City to demolish and build within a fixed period of time, failing which a penalty applies. This is in addition to obtaining a demolition permit under the Building Code Act. Alternatively, the owner can obtain a building permit for the replacement residential unit(s) prior to obtaining the demolition permit under the *Building Code Act*. The latter option was created to allow for some flexibility for the property owner.

The owner of 99-107 Parkdale Avenue has requested an exemption to enable the redevelopment process which involves the remediation of a contaminated site. The owner has agreed to enter into a demolition agreement containing the following conditions to the exemption:

- (1) The property will be graded, sodded or seeded, fenced and maintained to the standards set out in the Property Standards By-law pending development;
- (2) The property is not used or occupied for any other interim use, except for the construction and occupancy of an on-site sales office and accessory parking; and
- (3) The Owner obtains all the required planning approvals within 2 years of June 12, 2012; the building permit is submitted within three years of June 12, 2012 and construction substantially completed within five years of June 12, 2012.

#### Planning and Growth Management Comments

The Planning and Growth Management Department supports this exemption.

#### RURAL IMPLICATIONS

There are no rural implications.

#### CONSULTATION

This motion was brought forward following concerns of area residents regarding the state of the buildings after public consultations.

#### COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Hobbs is in support of the exemption, and has moved the motion to this effect.

#### LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations of this report. Legal Services will prepare the required agreement for execution by the Owner.

### RISK MANAGEMENT IMPLICATIONS

There is a risk that the owner defaults on the performance detailed in the agreement. The responsibility to grass the area can be enforced through the enforcement provisions of the *Municipal Act*, while the balance of the obligations would have to be enforced through court action.

### FINANCIAL IMPLICATIONS

There are no direct financial implications.

### ACCESSIBILITY IMPACTS

There are no accessibility implications.

### ENVIRONMENTAL IMPLICATIONS

There is a concern that the site under consideration has been contaminated with asbestos and lead paint. The recommendations in this report will allow any contamination to be remediated.

### TECHNOLOGY IMPLICATIONS

There are no direct technical implications associated with this report.

### TERM OF COUNCIL PRIORITIES

**Healthy and Caring Communities:** Help all residents enjoy a high quality of life and contribute to community well-being through healthy, safe, secure, accessible and inclusive places. **HC2: Improve parks, recreation, arts and heritage.** Provide accessible, inclusive and quality parks, recreation services and urban spaces for leisure, arts and heritage that respond to demographic trends in population and activity.

**Service Excellence:** Improve client satisfaction with the delivery of municipal services to Ottawa residents by measurably increasing the culture of service excellence at the City, by improving the efficiency of City operations, and by creating positive client experiences. Ensure a positive experience for every client interaction. Provide consistent and high-quality information and services to residents, visitors and enterprises and improve clients' interactions with the City by ensuring services are timely and coordinated, easy to find and access, and delivered in a way that respects residents' needs.

Environmental Stewardship: Promote long-term sustainability and reduce our environmental footprint by maintaining and improving the quality of our air and water, by using green technology and promoting energy efficiency, and by protecting our natural resources and land to enhance the quality of the environment for our residents. ES3 Reduce environmental impact. Put into place an approach to the ecosystem that encourages sustainability and takes into consideration natural cycles (e.g. water, carbon and nutrients) as well as natural habitat before and during development. The City will develop spaces wisely, increase diversion, make the best use of existing infrastructure, minimize disturbance of green spaces and sub-watersheds, develop lands within the urban boundary, and avoid outward sprawl.

**DISPOSITION**

Planning and Growth Management staff to implement the directions of Committee and Council. City Clerk and Solicitor staff to notify the owner of Council's decision.