

Report to/Rapport au :

Council / Conseil

September 27, 2012

27 septembre 2012

Submitted by/Soumis par : Planning Committee / Comité de l'urbanisme

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KITCHISSIPPI (15)

Ref N°: ACS2012-CMR-PLC-0020

SUBJECT: DEMOLITION CONTROL - 446 FRASER AVENUE

OBJET : DÉMOLITION RÉGLEMENTÉE – 446, AVENUE FRASER

REPORT RECOMMENDATIONS

THAT Council approve that 446 Fraser Avenue be exempted from the notice requirements and processes set out in the Demolition Control By-law in order to enable the demolition of the building immediately subject to the following conditions which shall be incorporated into a registered agreement prior to the exemption taking effect:

- 1. The Owner ensures the property is graded, sodded or seeded 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; and**
- 3. The Owner submits a building permit application for the reconstruction of the building no later than October 1, 2013 and completes the construction of the replacement dwelling unit no later than October 1, 2014.**

RECOMMANDATIONS DU RAPPORT

QUE le Conseil approuve l'exemption de la propriété située au 446, avenue Fraser, face aux exigences et aux processus concernant la production d'avis énoncés dans le Règlement sur la démolition réglementée, afin que la démolition de l'immeuble soit immédiatement soumise aux conditions suivantes, qui seront intégrées à une entente enregistrée avant que l'exemption ne prenne effet :

1. Le propriétaire doit veiller à ce que la propriété soit nivelée, gazonnée ou ensemencée et entretenue selon les normes énoncées dans le Règlement sur les normes de biens-fonds d'ici à ce qu'elle soit aménagée;
2. La propriété ne doit faire l'objet d'aucune autre utilisation provisoire;
3. Le propriétaire doit soumettre une demande de permis en vue de la construction d'un nouvel immeuble au plus tard le 1^{er} octobre 2013 et achever la construction du logement de remplacement au plus tard le 1^{er} octobre 2014.

BACKGROUND

At the Planning Committee meeting of 25 September 2012, this item was introduced by Councillor K. Hobbs as a *Notice of Motion* (for consideration at the 9 October 2012 Planning Committee meeting), but was added to the agenda as an "Additional Councillor's Item", pursuant to Section 84(3) of the Procedure By-Law (2006-462), with the unanimous concurrence of all members present and voting.

Moved by Councillor K. Hobbs:

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 residential dwelling unit located at 446 Fraser was damaged by fire in January 2012 and has been determined by a professional engineer to be structurally unsound and not salvageable;

AND WHEREAS the Owner of the property is in the process of preparing construction plans to replace the damaged residential dwelling unit and in the interim wishes to demolish the building;

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

THEREFORE BE IT RESOLVED THAT that 446 Fraser Avenue be exempted from the notice requirements and processes set out in the Demolition Control By-law in order to enable the demolition of the building immediately subject to the following conditions which shall be incorporated into a registered agreement prior to the exemption taking effect:

1. ***The Owner ensures the property is graded, sodded or seeded 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; and***

3. ***The Owner submits a building permit application for the reconstruction of the building no later than October 1, 2013 and completes the construction of the replacement dwelling unit no later than October 1, 2014.***

CARRIED

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.

This report pertains to a residential dwelling unit located at 446 Fraser damaged by fire in January 2012 and which has been determined, by a professional engineer, to be structurally unsound and not salvageable. The Owner of the property is in the process of preparing construction plans to replace the damaged residential dwelling unit and in the interim wishes to demolish the building. As outlined in the Motion above, Ward Councillor Hobbs has indicated her support for exempting this property from certain requirements of the Demolition Control By-law, and is requesting that 446 Fraser Avenue be exempted from the notice requirements and processes set out in the Demolition Control By-law in order to enable the demolition of the building immediately subject to the following conditions which shall be incorporated into a registered agreement prior to the exemption taking effect:

1. The Owner ensures the property is graded, sodded or seeded 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; and
3. The Owner submits a building permit application for the reconstruction of the building no later than October 1, 2013 and completes the construction of the replacement dwelling unit no later than October 1, 2014.

Planning and Growth Management Comments

Staff will be available to answer questions at the Council meeting as required.

RURAL IMPLICATIONS

Not applicable, as this report pertains to Kitchissippi Ward (15).

CONSULTATION

No public consultation was undertaken as this item was added at the meeting.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Hobbs is in support of this exemption to the Demolition Control By-Law and moved this Motion at Planning Committee accordingly.

LEGAL IMPLICATIONS

This item was added at the meeting, and no specific legal implications were identified. Staff will be available at Council if clarification is required on legal implications.

RISK MANAGEMENT IMPLICATIONS

Staff will be available at Council if clarification is required on risk management implications.

FINANCIAL IMPLICATIONS

The taxes for 2012 on this property amounted to approximately \$4,700 followed by a \$1,400 reduction due to the fire. The City's municipal portion represents \$2,800 which would be impacted by a further reduction due to the demolition until such time the reconstruction has been completed.

ACCESSIBILITY IMPACTS

This item was added at the meeting, and no accessibility impacts were identified. Staff will be available at Council if clarification is required on accessibility impacts.

ENVIRONMENTAL IMPLICATIONS

This item was added at the meeting, and no environmental implications were identified. Staff will be available at Council if clarification is required on accessibility impacts

TECHNOLOGY IMPLICATIONS

This item was added at the meeting, and no technology implications were identified. Staff will be available at Council if clarification is required on accessibility impacts

TERM OF COUNCIL PRIORITIES

Staff will be available to answer questions at the Council meeting as required.

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.