

## Vacant Building Review: Environmental Scan

#### Introduction

This document provides an overview of practices governing vacant buildings in major urban centers within Ontario and across Canada. It further provides a review of literature on this subject, with international examples of vacant property regulations.

#### The Ottawa Model

The City of Ottawa implemented a vacant building strategy in 2013. This strategy included the introduction of proactive enforcement, with two proactive inspections to be conducted each year, for each vacant property on a list maintained by By-law and Regulatory Services. Properties are added to the list based on community complaints and subsequent investigation by a Property Standards Officer to confirm vacancy.

The strategy further introduced specific regulations for vacant buildings and lands, and vacant heritage buildings, in the <u>Property Standards By-law (No. 2013-416), as amended</u>. In addition to the enforcement activities conducted under this strategy, By-law and Regulatory Services has provided administrative support and advice to other City initiatives, including:

- Repeal of Tax Rebates for Vacant Commercial Properties
- Heritage Matters Task Force
- Heritage Tax Rebate Program for Building Restoration
- Residential Vacant Unit Tax

The City of Ottawa's Demolition Control By-law (No. 2012-377) establishes a permit requirement in order to prevent and regulate the demolition of residential properties in the urban area.

"Demolition control is used by the City to:

- Maintain the integrity of established neighbourhoods
- Prevent the premature loss of housing stock and the creation of vacant parcels of land;
- Prevent the loss of municipal assessment while a parcel of land remains vacant;
- Retain existing residential units until new uses have been considered and redevelopment plans approved." i

#### Other Ontario Jurisdictions

#### **Toronto**

The City of Toronto manages vacant properties in a similar manner to Ottawa's current model, with specific property standards contained in Chapter 629 of the Toronto Municipal Code. Properties are identified as vacant largely through complaint-based enforcement. Once a property is identified it is listed with Municipal Licensing and Standards and is subject to proactive inspections. There is no permit system for vacant properties at present. However, Toronto City Council has directed staff to consider options for cost recovery of enforcement and report on this issue.

Similar to Ottawa, the City of Toronto cancelled the vacant unit property tax rebate for commercial and industrial properties in 2017/2018.<sup>iii</sup> According to Mayor John Tory, cutting this rebate saved Toronto approximately \$22 million annually.<sup>iv</sup> Toronto is currently developing a <u>Vacant Home Tax</u>, with implementation planned for 2022. The aim of this tax is to increase housing supply by discouraging vacancies. Toronto estimates this tax "could yield \$55 to \$66 million in (gross) tax revenue per year." Council further directed staff to investigate using the Vacant Home Tax revenue collected to invest in affordable housing.

#### Mississauga

The City of Mississauga does not have a vacant property strategy or permit system, although specific regulations are included in their <a href="Property Standards By-law">Property Standards By-law</a>. A <a href="Demolition Control By-law">Demolition Control By-law</a> prevents demolition before a redevelopment plan is in place and establishes time limits to complete re-development. A <a href="Rental Housing Protection By-law">Rental Housing Protection By-law</a> was enacted in June 2013 to establish a permit system for the conversion to rental units to condominiums or the demolition of rental housing. It applies to buildings with six (6) or more existing purpose-built rental units.

Unlike Toronto and Ottawa, Mississauga continues to offer <u>Property Tax Rebates</u> for vacant properties. Additionally, the City's <u>Housing Strategy</u> is focused on housing for middle income households.

#### Brampton

Like the above examples, the City of Brampton does not have a specific vacant property strategy and does not require permits. However, Brampton introduced its first housing strategy in April 2021. Housing Brampton: Housing Strategy and Action Plan proposes future consideration of zoning amendments "to create complete communities" and "encourage the provision of purpose-built rental housing as a complementary use." Vacant church properties were specifically identified as one such opportunity. Additional zoning amendments to enable temporary low-income housing on vacant properties in commercial and industrial zones will also be considered. The study further proposes the development of a pilot project to revitalize and repurpose vacant or underutilized heritage properties.

Brampton cancelled its Vacancy Rebate for Property Taxes in January 2020<sup>v</sup> and a vacant unit tax is being considered by the Region of Peel, which includes Brampton.

#### Hamilton

The City of Hamilton enacted a <u>Vacant Building Registry By-law</u> in 2010. This by-law was repealed and replaced in its current form in 2017. The by-law requires property owners to register vacant properties within 30 days of becoming vacant and each year that it remains vacant. A property is considered vacant if it is unoccupied for more than 90 consecutive days.

The by-law requires four (4) proactive inspections per year by a by-law officer. Property owners are required to pay an initial administration fee of \$291, plus a yearly inspection fee of \$729 and HST.

In February 2020, Hamilton augmented their vacant building program with amendments to their <u>Property Standards By-law</u> that address buildings under construction or demolition, where no progress has been made in the past year. Under the amended by-law, these buildings (or portions of buildings) can be ordered to be demolished, or the City can impose a deadline to complete the required work.

Hamilton also maintains a <u>Vacant Urban Residential Land Inventory</u> "to monitor the available supply of vacant residential land and the rate at which it is being absorbed." Their reports present a summary of the supply of vacant land for residential development within the urban area.

#### London

The City of London enacted a <u>Vacant Buildings By-law</u> in 2009. The by-law was <u>updated in March 2021</u> to implement Administrative Monetary Penalties for violations, doubling the penalty amounts under the by-law.

The by-law applies after a property is:

- a. vacant for more than 30 days, and
- b. where an officer reasonably believes that the property poses a risk to safety or is a public nuisance or could become a public nuisance.

There is no permit required under this by-law. As a component of enforcement action under the by-law, owners may be required to submit documents such as insurance information and floor plans or undertake specific remedial actions to secure or make their property.

#### Markham

The City of Markham's <u>Keep Markham Beautiful By-law (2012-119)</u> includes specific regulations for the maintenance of vacant properties, further distinguishing between an "Abandoned Building" and a "Vacant Heritage Property". The <u>Property Standards By-law 2017-26</u> also applies. There are no fees for permits or inspections. However, a property owner may be required to pay for a certificate of compliance following a

property standards inspection. Fees for abandoned buildings vary by size whereas a flat fee of \$100 is charged for vacant lands.

The Markham Heritage office assists residences with compliance with <u>Heritage</u> <u>Conservation</u>, such as the preservation of vacant heritage properties.

## Vaughan

The City of Vaughan has established standards for vacant properties and vacant heritage properties through the <u>Property Standards By-law 231-2011</u>. Demolition permits are also required under the <u>Building By-law 44-2015</u>.

Vaughan's By-law and Compliance, Licensing and Permit Services department is reviewing the City's regulation with respect to vacant properties and related matters. The <u>review of by-laws with respect to fences</u>, long grass and weeds, <u>property standards</u>, <u>road allowance and vacant properties</u> is anticipated to be brought before Council in 2022.

#### **Kitchener**

The City of Kitchener's Municipal Code regulates demolition in <u>Chapter 620 - Demolition Control</u> and board-ups in <u>Chapter 694 - Vacant Building - Secured</u>, as well as specific regulations for the alteration of Heritage Properties in <u>Chapter 642 - Heritage Property</u>, <u>Consent - Alteration</u> and various property standards regulations.

A comprehensive review of neighbourhood property standards compliance was conducted in 2017. This review resulted in amendments to improve technical standards for vacant properties and a decision to pursue enhanced education rather than enhanced enforcement.

#### Windsor

The City of Windsor implemented a Blight Mitigation Strategy in 2008 response to a depressed economy and growing vacancies, including hyper-vacancy in specific low-income neighbourhoods.<sup>vii</sup>

<u>Windsor's 20-Year Strategic Vision</u> was adopted in 2016, placing emphasis on economic development, infrastructure and community investment and fiscal sustainability. Windsor subsequently rejected implementing a Vacant Building Registry in 2017, largely due to costs, relying instead on enhanced enforcement through existing Property Standards. A report on the enhanced enforcement program in 2019 indicated that the program was achieving positive results and would be extended to July 2020.

### **Other Canadian Jurisdictions**

#### Vancouver

The City of Vancouver's <u>Standards of Maintenance By-law No. 5462</u> is the primary vehicle for regulation and enforcement of vacant properties. The City does not have a permit system; however, the building permit process is applied to demolition control. No demolition permit will be granted without prior approval of a building permit.

The City of Vancouver implemented an Empty Home Tax in November 2016 (By-law 11674). This tax of 1.25 percent of the property's assessed value is applied to vacant residential properties only, with an exemption for secondary homes occupied for at least 180 days.

The purpose of the tax is to reduce real estate speculation to improve the availability and affordability of housing. Fines for violations can reach up to \$10,000 a day.

Since implementing this tax, Vancouver experienced a 25 percent reduction in the number of vacant homes recorded from 2017 to 2019. \$61.3 million of revenues generated by the tax have been allocated to support affordable housing initiatives in Vancouver.<sup>ix</sup> This tax also reduced the number of vacant and derelict properties by 30 percent, from 1,131 in 2017 to 787 in 2019.<sup>x</sup>

In November 2019, the City expropriated two downtown hotels for an assessed value of \$1 each. The purpose of this expropriation was cited as "the provision of housing accommodation and the improvement or rehabilitation of areas which have become blighted or substandard areas". However, as reported in several media reports, a legal action was subsequently commenced against the City by the property owners, and the parties have since settled the matter. The terms of the settlement have not been released at the time of this study. It is noted that these expropriations were made possible through unique expropriation provisions in Part XXVI of the <u>Vancouver Charter</u>, [SBC 1953] Chapter 55, as amended.

The City took possession of both hotels in December 2020. However, on 15 Feb 2022, the City determined that the Balmoral Hotel could not be restored and repurposed for social housing as intended. A statement from the City noted that "the building has deteriorated to the point that it poses a danger to the public and adjacent buildings." The City has issued a demolition permit for this hotel and has indicated that it intends to use the site for future affordable housing, but that plans have yet to be determined. The future development of the Regent Hotel is also unknown at this time.

#### Edmonton

The City of Edmonton established a <u>Vacant Land Inventory</u> in 2014. Data about vacant properties is made available to the public through the City's Open Data portal.

The City does not require permits for vacant lands. The <u>Community Standards By-law</u> (14600) contains minimal regulations for "unoccupied buildings", requiring that they be boarded-up and that walks and driveways be kept clear of snow and ice.

A <u>Neighbourhood Revitalization program</u> engages residents at the neighbourhood level "to improve the livability of Edmonton's mature and established neighbourhoods, and mobilize community-led action." A <u>Development Incentive Program</u> is also available "to invest in chronically vacant commercial units, and to build new commercial and mixed-use buildings."

In 2018, the City undertook a <u>Vacant Lots for Urban Agriculture Pilot Project</u>. This program is now under evaluation. Outcomes and recommendations have yet to be published for this project.

### Calgary

The City of Calgary does not have a specific vacant building strategy and does not require permits. The <u>Community Standards By-law (5M2004)</u> regulates property standards generally, but does not include provisions specific to vacant buildings and lands.

Calgary offers Business Tax (BIA fee) exemptions for commercial properties vacant more than 30 days through the <u>2019 Business Improvement Area Tax Bylaw (By-law 1M2019)</u>.

A <u>2020 report from Avison Young</u> indicates that office space vacancies have reached record levels, with 26.9 percent of available office space sitting vacant. This same report notes the vacancy rate is expected to reach 30 percent in the next 12 to 24 months.

In response to growing office vacancies, the City has partnered with two community organizations, Homespace Society and Inn from the Cold, to convert one office tower into an 82-unit affordable housing complex. The cost of this initiative is projected at \$28.5 million.xiii This trial program is a component of the City's Downtown Strategy, a \$1 billion infrastructure initiative that includes up to \$450 million to repurpose downtown office towers into housing. The City is currently seeking federal and provincial funding to support this initiative.

## Winnipeg

The City of Winnipeg first enacted a Vacant Building By-law in 2002. In July 2010, Winnipeg repealed and replaced this by-law with the current <u>Vacant Building By-law</u>, as a component of a 9-Point Vacant and Derelict Buildings Strategy. This included working with the Province of Manitoba to amend provisions of the <u>City of Winnipeg Charter, S.M. 2002, c. 39, as amended</u>, that enables the City to take title of a vacant property without providing compensation to the former owner when specific conditions are met. Among the jurisdictions reviewed for vacant building regulations, this legislative authority is unique to Winnipeg.

Other measures included in the 9-point strategy include:

- Increased fees that escalate based on the period of vacancy
- Authorizing staff to undertake remediation work when required, with cost recovery through the property tax bill

- Enhanced routine inspections of vacant residential properties
- Implementation of a residential building occupancy certificate to ensure formerly vacant residential buildings are suitable for occupancy
- A more consistent and aggressive approach to prosecution
- Ongoing community consultation to solicit input, build awareness, and identify priorities
- A performance measurement plan

A 2015 performance measurement report issued by the City indicates that between 2010 and 2014, the number of vacant buildings decreased by 38% and the median duration of a vacant building file from open to close was 1.95 years. The resulting reduction in enforcement demand enabled the City to re-assign one enforcement officer to other priorities.xiv

In 2019 additional measures were approved to further improve the City's response to vacant and derelict properties. These included:

- A \$225 re-inspection fee for all non-compliant properties
- An Empty Building Fee of 1% of assessed value, charged annually for both residential and commercial properties that have been vacant for five or more years, with revenue directed to be reinvested in affordable housing initiatives.
- Delegated authority for staff to order the board-up of residential properties where safety concerns outweigh the negative impacts of boarding, with escalating board-up fees similar to those imposed on commercial properties.
- Requiring all fees to be paid up-front, with the possibility of re-imbursement on appeal, rather than the previous fee waiver process which had proven problematic for fee collection.

#### **Montreal**

As of January 2020, the City of Montreal has approximately 900 vacant buildings. In addition, the City is experiencing commercial unit vacancy rates as high as 15 percent in some neighbourhoods.<sup>xv</sup>

Montreal was granted additional powers to address vacant and unsafe properties through provincial legislation enacted in 2013. In addition to monetary penalties, the City can register any notice of deterioration of the building, as well as any notice of regularization, in the land registry office. XVI A notice of deterioration identifies deficiencies on the property and the work that has been ordered to be completed. This will remain on the registry until the work has been completed to the satisfaction of the City and a notice of regularization is registered on the title to indicate that it is compliant. This serves to notify prospective buyers of these deficiencies, possibly impacting the sale price of the property.

Beginning in 2014, Montreal enacted a subsidy program to prevent and resolve vacancies in rental housing. The <u>By-law concerning the municipal subsidy for residential renovation and demolition-reconstruction (14-036, as amended)</u> provides for subsidies

of up to \$374,000 for a single family home and \$85,000 to \$231,000 per unit for multiresidential units. The by-law includes specific requirements for recipients to prevent conversion of rental units into condominiums or co-ops and provide for rent control. The by-law also offers special consideration for not-for-profits and for renovations to provide temporary shelter spaces for persons requiring aid or protection.

In 2016 and 2017, the City worked to improve its list of vacant buildings, as well as improve information sharing between municipal enforcement and fire services. \*\*vii\* Of the 19 boroughs within the City of Montreal, six have begun to provide their vacant building list, including the name of the property owner, to members of the public. The borough of Ville-Marie will provide a monthly list for no charge. Other boroughs charge fees ranging from \$10.20-\$56 for one month's listings to \$110-\$250 for an annual subscription. In all cases, the list must be requested in person from the borough service counter.

A media report from 2020 indicates that the City of Montreal was considering various measures to address vacant properties, such as vacant unit taxes to help resolve commercial vacancy rates, higher fines for owners who abandon their buildings, and the creation of temporary occupation permit to facilitate transitional initiatives, however no current information on these measures was located...xviii

Under the Heritage Action Plan for 2017/2022, the City implemented a Transition Lab pilot program with community partners that aims to foster transitional urbanism, "a concept that aims to connect spaces that need people with people that need spaces on a short- or medium-term basis." xix

## Permit Systems - Experience in other jurisdictions

At present, the City of Hamilton is the only Ontario jurisdiction with a permit system for vacant properties. Hamilton has had a Vacant Building Registry in place since 2010. Their Vacant Building Registry By-law No. 17-127, as amended, requires vacant properties to be registered by the owner after 90 days, or within 30 days of receiving a notice from the City. The current permit fees include an initial administration fee of \$291 plus a yearly inspection fee of \$729.20.

Under the Hamilton regime, vacant properties receive four inspections annually. Building exteriors are inspected for violations of property standards. Property owners are required to post an informational sign on the building with a contact phone number for the owner or property manager for certain classes of vacant buildings.

During consultations with the City of Hamilton, their staff indicated that the permit system has been highly effective in managing nuisance and health and safety issues associated with vacant properties. Their staff indicated that the sign requirement, introduced in 2017, has resulted in issues being resolved more quickly and without municipal intervention, and that this mandatory signage has not resulted in privacy concerns or incidents of harassment.

The City of Windsor has also considered a permit system for vacant buildings, similar to

the Hamilton model, in October 2017. Windsor ultimately decided against a permit system, noting the anticipated costs to property owners and the differences between real estate markets in Hamilton and Windsor. The report notes "While higher land values and relatively quick redevelopment of vacant land suits Hamilton's registry purposes, Windsor could have a significantly different experience. The recent Neighbourhood Market Value Analysis completed for Windsor identifies medium-low and low market value areas that in most cases correlate with areas where there are a higher number of vacant buildings. This makes redevelopment in Windsor's context more challenging." (City of Windsor, Response to CQ66-2015 Vacant Property Registry, 02 Oct 2017, p.2)

Given that vacancy in Windsor was driven by a depressed economy, as opposed to high demand for redevelopment, the City of Windsor opted for an "enhanced enforcement model" similar to Ottawa's 2013 Vacant Building Strategy. The City introduced proactive inspections of known vacant properties to address property standards concerns and proposed "Community Improvement Programs and incentive tools" as a means of reducing vacancies overall.

The City of Winnipeg first implemented a vacant building permit regime in 2002 as noted in the City of Winnipeg section of this document.

It is noted again that the City of Winnipeg, through its enabling legislation, is authorized to take title of a vacant property without providing compensation to the former owner under once the building has reached a specific state of vacancy or deterioration and administrative processes to remedy the situation have been exhausted. Among the Canadian jurisdictions reviewed for vacant building regulations, this legislative authority is unique to Winnipeg. No such authority exists in Ontario.

As noted previously, a 2015 performance report issued by the City indicates that the number of vacant buildings decreased by 38 percent between 2010 and 2014 and median age of a vacant building file from open to close was 1.95 years. The resulting reduction in enforcement demand enabled the City to re-assign one enforcement officer to other priorities. (City of Winnipeg, Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability, and Zoning By-laws 2014 Performance Measurement Report, 04 Mar 2015)

#### **Literature Review**

## A Difference-in-Differences Analysis of Health, Safety, and Greening Vacant Urban Space

(Charles C. Branas et al., Journal of Epidemiology, November 2011)

This peer reviewed study, funded by the Centers for Disease Control and Prevention and the National Health Service, examined a vacant lot greening program in Philadelphia. The study identified measurable positive outcomes for crime reduction, health and community well-being.

The study references include The Social Environment and Health: A Discussion of the Epidemiologic Literature (I. H. Yen and S. Leonard Syme) which notes "The development of prevention programs that focus on places or structural dimensions can influence the lives of more people and for longer periods of time than individually based interventions."

## Battling Blight: Four Ways Cities Are Using Data to Address Vacant Properties (Eric Bosco, Harvard, August 2017)

This article examines four "data-driven approaches to addressing vacant buildings:

- New Orleans, Louisiana (post Hurricane Katrina) implemented month public "BlightStat" meetings, increased communication with vacant property owners, and developed a vacant property scorecard to prioritize properties through a streamlined process. They also used a machine learning model to provide recommendations for next steps based on the property's score.
- **South Bend, Indiana** released a Vacant and Abandoned Properties Task Force Report in February 2013 which "laid out the publicly stated goal of addressing 1,000 vacant or abandoned properties in 1,000 days." Public engagement "led to significant improvements in the city's code enforcement process." The city reached its goal two months ahead of schedule and "By the 1,000th day, the city had taken action on 1,122 abandoned properties, repairing almost 40 percent of them, according to the city's website. By taking a data-driven approach to tackling vacant and abandoned properties and using a digital platform to increase transparency to the public, Buttigieg's administration sets a strong example for cities looking to solve public concerns over blighted properties.
- **Detroit, Michigan** used a mobile app and a team of approximately 150 volunteers to survey all 380,000 parcels of land in 2013. Using the app, surveyors photographed the front of every property and answered a standard set of questions. "The task force website reports that of the total 84,641 structures and vacant lots in the city, about 40,000 were deemed to fit the definition of "blight" and prioritized for removal or intervention. The detailed and data-driven survey questionnaire approach also allowed for the estimation of properties with indicators of future blight, of which the task force reported about 38,000 fit the bill. The task force recommended further

- inspection of these properties and a variety of interventions including rehabilitation, removal, and securing."
- Cincinnati, Ohio worked with data scientists from the University of Chicago in 2013 "to develop a predictive model that allows for early intervention by building inspectors at homes and properties most at risk of vacancy or violations." "The initial results from 2015 show that using the predictive model increases the likelihood of finding a building code violation in a specific property to 78 percent" compared to 53 percent for complaint-based enforcement.

## Blight and vacant lands are a national crisis for smaller cities<sup>xx</sup>

(Patrick Sisson, Property Lines, June 2019)

The article notes that "Vacant properties create financial strain for cities: decreased tax revenue, greater maintenance costs, increased safety and crime issues (which require more spending), and blight that lowers the value of nearby properties" and explores "creative placemaking" initiatives to address hyper-vacancy, "neighborhoods where vacant buildings and lots comprise 20 percent of more of the building stock". These include:

- Cleveland Ohio has started a pilot project "to help with overall stormwater management by establishing rules around recovering vacant lots." "These kinds of programs can help cities refresh their aquifers and supplies of clean groundwater."
- **Detroit, Michigan** initiated Detroit Hives, an urban apiary with 32 beehives hosted on vacant lots throughout the city.
- **Erie, Pennsylvania** has initiated a new program "to create a culinary arts district amid an area filled with vacant properties. The idea is to turn empty spaces downtown into a collection of incubators, food courts, and restaurants."
- Philadelphia, Pennsylvania implemented a program called LandCare. "[Run] by
  the Philadelphia Horticultural Society, works with community groups as part of an
  expanded, mow-to-own concept. By working with organizations instead of
  individuals, the initiative makes sure that reclaimed lots don't lose support. Right
  now, the program helps take care of roughly 12,000 of the city's vacant lots, and
  adds a few hundred every year."
- More than 150 cities formed land banks to sell lots at reduced rates.

Not every program has been successful. **Baltimore, Maryland** "has spent millions of dollars over the last eight years trying to return vacant land to good use, but has only succeeded in moving the official count of vacant buildings from 16,800 in 2010 to 16,500 in 2018."

The article quotes Terry Schwarz, director of Kent State University's Cleveland Urban Design Collaborative, "Now, the new policies that have the most long-term impact are less about fixing nuisances or problems and instead seeing land for what it is: real

estate. Cities now want to see what ways they have at their disposal to extract value out of their growing inventories of vacant properties."

The article further cites a Study from Columbus, Ohio that showed "having a vacant building on the block can reduce the value of nearby properties by 20 percent."

# Effect of Greening Vacant Land on Mental Health of Community-Dwelling Adults (Eugenia C. South, MD, MS, et al, Jama Network, July 2018)

This study used a cluster-randomized trial to "evaluate whether interventions to green vacant urban land can improve self-reported mental health." The study concludes that "Among community-dwelling adults, self-reported feelings of depression and worthlessness were significantly decreased, and self-reported poor mental health was non-significantly reduced for those living near greened vacant land. The treatment of blighted physical environments, particularly in resource limited urban settings, can be an important treatment for mental health problems alongside other patient-level treatments."

## Greening vacant lots to reduce violent crime: a randomised controlled trial

(Eugenia C Garvin, Carolyn C Cannuscio, and Charles C Branas, National Center for Biotechnology Information, June 2013)

This study used a cluster-randomized trial to "to test the impact of [greening vacant lots] on police reported crime and residents' perceptions of safety and disorder." The study concludes that "greening was associated with reductions in certain gun crimes and improvements in residents' perceptions of safety." However, it also cautions that "A larger randomized controlled trial is needed to further investigate the link between vacant lot greening and violence reduction."

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#### **Endnotes**

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