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**TO:** GENERAL COMMITTEE

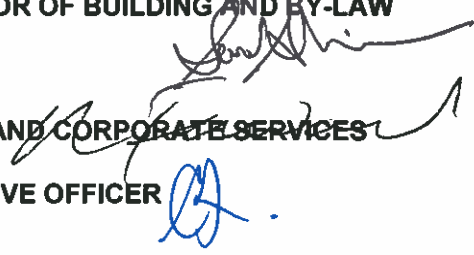
**SUBJECT:** MAINTENANCE / DEMOLITION OF VACANT BUILDINGS

**PREPARED BY AND KEY CONTACT:** T. BANTING, MANAGER OF BY-LAW SERVICES, EXT. 4336.

**SUBMITTED BY:** G. ALLISON, P.Eng., CBCO, DIRECTOR OF BUILDING AND BY-LAW SERVICES

**GENERAL MANAGER APPROVAL:** R. FORWARD, MBA, M.Sc., P.Eng.  
GENERAL MANAGER COMMUNITY AND CORPORATE SERVICES

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** CARLA LADD, CHIEF ADMINISTRATIVE OFFICER



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**RECOMMENDED MOTION**

1. That By-law 2011-138 (Property Standards By-law) be amended by deleting Section 6 and replacing it with the following:
  - "6.0 VACANT OR DERELICT BUILDINGS
  - 6.1 For the purpose of this section "Derelict" shall mean: any building that is vacant and has experienced structural failure in whole or in part."
  - 6.2 For the purpose of maintenance of vacant buildings, all provisions within this By-law which regulate interior conditions of a building shall not apply. All provisions within this By-law which regulate exterior conditions and structural integrity shall apply with the exception of sections 19 and 31 when the building's exterior openings are boarded in accordance with this By-law.
  - 6.3 Notwithstanding all other provisions of this By-law the additional sections below shall apply to all vacant buildings.
  - 6.4 If any building is unoccupied, the owner or agent shall protect every such building against the risk of fire, accident or other such hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
    - 6.4.1 The owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.
    - 6.4.2 If a building remains vacant for more than ninety (90) days, the owner or their agent thereof, shall ensure that all utilities serving the building are properly disconnected or shall otherwise secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.
  - 6.5 If a vacant building becomes derelict as defined in this By-law, the owner or their agent shall bring the building into compliance with all structural and exterior

*maintenance provisions of this By-law or such building shall be demolished in accordance with the Building Code Act."*

2. That staff within the By-law Services Branch of the Building and By-law Services Department continue to monitor any known vacant buildings and ensure that all necessary inspections of the exterior of the building or properties are conducted as required.

### **PURPOSE & BACKGROUND**

3. On October 28, 2013, City Council adopted motion 13-G-283 regarding the investigation of potential maintenance requirements related to vacant buildings as follows:

"That staff in the Building and By-law Services Department research the feasibility of requiring the owners of vacant buildings to maintain their buildings in a condition suitable for occupancy, and that if a building remains derelict for an extended period of time, the owner be required to demolish the building and grade the land in compliance with the property standards by-law, and report back to General Committee."

4. Currently By-law 2011-138 (referred to as Property Standards By-law) establishes prescribed standards for the maintenance and occupancy of properties within the City of Barrie for the purposes of protecting the health and safety of the community, avoiding nuisance conditions to exist and for preserving property values.
5. Section 6 of the Property Standards By-law currently provides minimum standards that an owner must adhere to should a building become vacant.
  - Section 6.1 "If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazards and shall effectively prevent the entrance thereto of all unauthorized persons".
  - Section 6.2 "The owner or their agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls".
  - Section 6.3 "If a building remains vacant for a period of more than ninety (90) days, the owner or their agent thereof, shall ensure that all utilities serving the buildings are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building".
6. Section 15 of the Building Code Act permits a municipality to enact by-law regulations that can outline minimum standards related to the maintenance and occupancy of a building or property.
7. Subsection 15.2 of the Building Code Act allows an Officer to enter upon a property at a reasonable time without a warrant to conduct an inspection to ensure compliance with existing maintenance standards as enacted in a by-law. Where the Officer finds that a property does not conform to the by-law maintenance standards, the Officer may issue an order for the property to be brought into compliance.
8. Subsection 15.7 of the Building Code Act allows that if upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under subsection 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the Officer

may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger and may, if necessary, take immediate action to carry out the work. Such action must be confirmed by a judge of the Superior Court of Justice.

### **ANALYSIS**

9. A review of the applicable legislation above has confirmed that appropriate measures are in place to address vacant buildings within the City of Barrie. However it is believed that some clarity is required to ensure that Property Standards By-law 2011-138 is clear and concise as it relates to vacant or derelict buildings.
10. Although Barrie has a low volume of vacant buildings throughout the municipality, vacant buildings can present potential hazards to the community, can create a nuisance condition, and may negatively impact property values for adjoining properties.
11. Currently, Property Standards Officers enforce both By-law 2011-138 and Yard Maintenance By-law 2011-107 for properties with vacant buildings which enables the City to require the boarding of vacant buildings and the maintenance of the exterior property.
12. Once a building's exterior has deteriorated beyond the minimum standards, By-law 2011-138, Section 4.3 provides the owner of the property with two options.

"The owner of any property which does not conform to the standards established in this By-law shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition."
13. As long as a vacant building is maintained in compliance with the By-law standards, our By-law does not impose a time limit after which the building must be demolished. Staff believe this to be a reasonable standard and are not recommending the imposition of a time limit a building can be vacant after which it must be demolished.
14. By-law 2011-138, section 6.1, states "If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons."
15. Staff have determined that By-law 2011-138 should be amended so that owners are clear as to the responsibility they hold as it pertains to the care and maintenance of any vacant or derelict buildings. For instance, it would seem unnecessary for an owner to maintain the condition of the interior finishes of the building while the building is vacant.
16. The proposed amendments will provide the clarity needed for the owners while also providing the means for staff to ensure any vacant or derelict buildings are maintained within all necessary minimum standards or the vacant building is removed as may be deemed necessary.
17. A review of current property standards files reveal that there are approximately twelve (12) vacant buildings located within Barrie, although the number and location of vacant buildings is fluid as some buildings are removed, or become occupied while additional buildings become vacant from time to time. As a vacant building is brought to the attention of the By-law office, these buildings are monitored by Officers and any indication of an unsecured building results in action taken to ensure the building is secured in accordance with the By-law. Vacant buildings that are in poor repair on the exterior are required to be repaired or removed.
18. Several municipalities were surveyed, including London, Brampton, and Guelph all of which have similar by-law requirements as found within the City of Barrie.

19. Within that review of similar municipalities staff learned that the City of Hamilton has enacted By-law (10-260), being a By-law to Regulate Vacant Buildings. This By-law contains the requirement for owners to register vacant buildings after the said building is vacant for 30 days and allows for the collection of a registration fee to cover all related costs to the municipality.
20. This By-law appears unique according to our research however it does address the need for annual interior inspections to ensure properties are kept at acceptable standards and are fit for future occupancy. Staff believe the intention of this By-law is to preserve many of the old industrial buildings for potential reuse, and to protect against the buildings from being occupied by trespassers which increases the risk of large building fires.
21. Due to the low number of vacant buildings within the City of Barrie, there does not appear to be a need at this time to establish such a registry. The current regulations set out within the City of Barrie ensure that Property Standards Officers are able to require vacant buildings are secured from entry and kept in good repair.
22. If a vacant building should be neglected by the owner and become unsafe, there are provisions under the Building Code Act for a Building Inspector to issue an Order to Remedy an Unsafe Building. The Building Code defines unsafe as a condition where there is a risk of injury to a person who may occupy the building or to a person who may be able to be in close proximity to the building's exterior. Where there is a risk of injury to occupants, the Chief Building Official can issue an Order to Prohibit Occupancy of an Unsafe Building.
23. For the purpose of vacant buildings, occupant safety is not an issue as long as the building remains secured against unauthorized access.
24. A vacant building that has suffered some structural failure such as a sagging roof due to failure of the roof framing may not be in an unsafe condition as defined by the Building Code, but the vacant building may detract from the visual appeal of the neighbourhood. The proposed revisions to the Property Standards By-law would allow action to be taken by a Property Standards Officer to have the structural failure addressed.
25. The owner would still have the option of appealing the order to a Property Standards Committee, asking the Officer for more time to comply, conducting the necessary repairs, or arranging for the derelict building to be demolished.
26. In any of these circumstances for vacant buildings, the Ontario Heritage Act will still provide protection for buildings designated for its heritage value whereby permission from Council would be required before a construction/demolition permit could be issued.

### **ENVIRONMENTAL MATTERS**

27. There are no environmental matters related to the recommendation.

### **ALTERNATIVES**

28. There are three alternatives available for consideration by General Committee:

**Alternative #1**

General Committee could alter the proposed recommendation by requiring staff to further research and develop a "Vacant Building Registry Program". This program would require owners or their agents to register any vacant buildings with the municipality that have been vacant for more than ninety (90) days. Such registry would establish a timetable for inspections to ensure both the interior and exterior are maintained in good repair and fit for occupancy.

Although this alternative is available, the costs and staffing implications to implement such as program is not known at this time and further investigation must be undertaken.

This alternative is not recommended at this time due to the limited number of vacant buildings within the municipality. The potential resources and funds needed to establish the program to address a limited number of properties would be cost prohibitive at this time.

**Alternative #2**

General Committee could alter the proposed recommendation by requiring staff to implement an internal registry program of known properties which are vacant. Such a program would not require the owners or agents to register any vacant buildings but staff would be required to implement such a registry as properties become known over the course of time.

This would allow staff to monitor each location more regularly and ensure that both the Property Standards Officer and Building Inspectors are taking action should a property fail to meet minimum standards as noted in the applicable by-law or legislation.

This alternative is not recommended as it may have staffing resource implications in the future with no means of cost recovery.

**Alternative #3**

General Committee could alter the proposed recommendation by requiring staff to amend the Property Standards By-law which would establish a timeline that would require a derelict building to be demolished. The proposed timeline should be designated by Council and set out in the by-law.

This alternative is not recommended as it may cause the premature removal of buildings that could in fact be rehabilitated under current or new ownership.

**FINANCIAL**

29. There are no financial implications for the Corporation resulting from the proposed recommendation.

**LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

30. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.