

THE CORPORATION OF THE CITY OF CAMBRIDGE

By-law 24-XXX

Being a by-law to designate the City of Cambridge as an area of demolition control.

WHEREAS it is deemed desirable to pass a By-law designating an area of demolition control in the City of Cambridge pursuant to Section 33 of The Planning Act to retain the existing stock of residential units and former residential buildings;

WHEREAS Section 33 of the Planning Act provides that where an application is made to Council for a permit to demolish a Residential Building, Council may approve or refuse a permit;

AND WHEREAS under Sections 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, in accordance with section 23.1 of the Municipal Act, 2001, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the Municipal Act, 2001;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

DEFINITIONS

1. In this by-law, the following terms shall be defined as follows:

- a. "**Demolish**" or "**Demolition**" shall mean the act of removing or tearing down the whole or part of a residential buildings structural components and/or systems.
- b. "**Demolition Control Approval**" shall mean an approval issued under Section 33 of the Planning Act, R.S.O. 1990, c. P.13.
- c. "**Demolition Permit**" shall mean a permit issued under Section 8 of the Building Code Act, 1992, S.O. 1992, c. 23 which is issued by the Chief Building Official.
- d. "**Dwelling unit**" shall mean any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.
- e. "**Residential Building**" shall mean a building that contains one or more legal dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.
- f. "**Replacement Development**" shall mean a building or group of buildings which replace a Residential Building.

INTENT

2. The intent of demolition control shall be:

- i. to prevent the premature loss of housing stock and creation of vacant parcels of land;
- ii. to prevent the premature loss of assessment;
- iii. to retain existing residential units until new uses have been substantially planned and approved;

- iv. to prohibit the use of Demolition as a means to reduce maintenance costs; and,
- v. to prohibit the use of Demolition as a tactic to obtain zoning or other City approvals.

APPLICABLE LANDS

- 3. This by-law shall apply to all land within the boundaries of the City of Cambridge (herein referred to as the “Demolition Control Area”).
- 4. Within the Demolition Control Area, a Residential Building Demolition Control Permit shall be required in accordance with Section 33 of the Planning Act and this By-law prior to the demolition of a Residential Building, with the exemptions outlined in Section 12 of this By-law.
- 5. No person shall demolish or otherwise remove the whole or any portion of a Residential Building within the Demolition Control Area, unless that person is the holder of a Residential Building Demolition Control Permit issued for that Residential Building, in accordance with this By-law.

DELEGATION OF AUTHORITY

- 6. Council delegates its authority to approve or refuse the issuance of a demolition control permit in accordance with Section 33 of The Planning Act to the Chief Planner, except where Council or the Chief Planner deems it appropriate for Council to render the decision on a Demolition Control Application.
- 7. The Chief Planner has the authority to deem an application complete or incomplete.

APPLICATION REQUIREMENTS

- 8. To obtain a demolition control permit, the owner of a residential property, or an agent authorized in writing by the owner, shall file with the Chief Planner an application prescribed by the Chief Planner, together with the prescribed fee as set out in the applicable fees and charges by-law.
- 9. The Chief Planner may require the submission of additional information for the purposes of administering the by-law, including, but not limited to, complying with the safety criteria normally attached to a permit issued under the Building Code Act.

PRIOR TO PERMIT ISSUANCE

- 10. Unless otherwise determined by the Chief Planner or their Designate, prior to the issuance of a demolition control permit under Section 6:
 - i) Any property that is the subject of a plan of subdivision application must obtain draft approval from the Regional Municipality of Waterloo; and
 - ii) Any property that is the subject of a site plan application must obtain Site Plan Approval from the Chief Planner; and
 - iii) A building permit application for the Replacement Development has been submitted to the City and has been accepted; and

- iv) Any residential building on a designated property under Part IV and/or a property within a designated heritage district under Part V the Ontario Heritage Act must obtain a heritage permit; and
- v) Any residential building on a non-designated property listed on the City's Heritage Register pursuant to Section 27 of the Ontario Heritage Act must obtain a Council resolution supporting the Intent to Demolish.

CONDITIONS

11. A demolition control permit issued under section 6 of this by-law may be subject to conditions, including:

- i) That the owner constructs and substantially completes the Replacement Development in compliance with the approved building permit plans not later than two years from the date that the demolition permit is issued, or an alternative date as specified on the permit, pursuant to Section 33 (7) of the Planning Act;
- ii) That where a building is Demolished and the Owner fails to construct or substantially complete the new building by the time specified on the demolition permit, the clerk shall enter \$20,000.00 per Dwelling Unit Demolished on the collection roll to be collected in like manner as municipal taxes and shall form a lien or charge upon the subject lands; and
- iii) That the applicant for the demolition control permit be required to register on title to the property notice of conditions (ii) and (iii) in a form satisfactory to the City Solicitor; and
- iv) Other conditions related to the conservation, documentation, or salvage of designated or undesignated heritage properties, as determined by staff.
- v) That the Chief Planner may revoke the demolition control permit, where demolition has not seriously commenced within 6 months of issuance.

EXEMPTIONS

12. A Demolition Control Permit is not required to complete the whole or partial demolition of a Residential Building which is:

- i) Necessary to complete a Capital Works Projects approved by City and/or Regional Council;
- ii) Wholly converted to a non-residential use in accordance with the provisions of the applicable City Zoning By-law and Regulations made thereunder;
- iii) Found to be unsafe under section 15.9 or 15.10 of the Building Code Act or amendment thereto and an order has been issued under this Section by the Manager of Municipal By-law Compliance or designate;
- iv) Found to be unsafe under section 15.2(2) or 15.7 of the Building Code Act or amendment thereto and an order has been issued under this Section by the Chief Building Official or designate;

- v) Under an order, issued under Section 15 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4; to be removed;
- vi) Required to be removed to allow for environmental site remediation, as determined by a Record of Site Condition undertaken by a qualified professional, that has been accepted by the Ministry of the Environment;
- vii) Required to be removed to allow the division of the associated lands resulting from an approved plan of subdivision, plan of condominium, consent, and/ or part lot control; or
- viii) Being relocated, substantially intact, to a location either within or outside of the City of Cambridge.

13. For clarity, although the exemptions listed in Section 12 above do not require a Demolition Control Permit issued under this By-law and the Planning Act, they may require a Demolition Permit issued under the Ontario Building Code.

PENALTY

14. Every person who demolishes a Residential Building or permits the demolition, or any portion thereof, in contravention of this By-law, is guilty of an offence and on conviction is liable to a fine of Fifty Thousand (\$50,000.00) Dollars for each Dwelling Unit contained in the Residential Building, the whole or any portion of which residential unit has been demolished.

TITLE

10. This By-law may be referred to as the "Demolition Control By-law".

EFFECTIVE DATE

11. This By-law shall come into effect on the date of passing hereof.

Enacted and Passed this ____ day of month, 202__.

MAYOR

CLERK