

APPENDIX B

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-101

A by-law to regulate demolition control in the Town of Oakville

WHEREAS The Council of The Corporation of the Town of Oakville (“Council”) wishes to maintain the integrity of residential neighbourhoods; prevent the premature loss of housing stock; retain existing residential units until new uses have been considered and plans approved; prevent the creation of vacant land; and prevent the premature loss of municipal assessment;

AND WHEREAS section 33 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended provides that the Council may designate by by-law any area within the Town of Oakville as a demolition control area for residential properties when a property standards by-law for the standards of maintenance and occupancy under section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended is in force in the Town of Oakville;

AND WHEREAS Property Standards By-law Number 2023-074 passed pursuant to section 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended prescribes standards of maintenance and occupancy of properties in the Town of Oakville;

AND WHEREAS in accordance with section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, 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 23.2 to 23.5, inclusive, of the *Municipal Act, 2001*;

NOW THEREFORE the Council of The Corporation of the Town of Oakville ENACTS the following:

I. DEFINITIONS

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - (1) “**Chief Building Official**” means the person appointed under subsection 3(2) of the *Building Code Act*, 1992, as the Chief Building Official for the Town of Oakville and includes his or her designate;
 - (2) “**Commissioner**” means the Commissioner of Community Development for the Town or his or her designate;

- (3) “**Council**” means the municipal Council of the Town;
- (4) “**Demolition**” or “**Demolish**” means the removal of the whole or any part of a residential property and includes (but is not limited to) interior renovations or alterations that will result in a change to the number of dwelling units;
- (5) “**Dwelling unit**” means 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;
- (6) “**Rental unit**” means a dwelling unit used, or intended for use, for residential rental purposes, including
 - a) A dwelling unit that has been used for residential rental purposes and is vacant, and
 - b) A dwelling unit in a co-ownership that is or was last used for residential rental purposesbut does not include a dwelling unit in a condominium registered under section 2 of the *Condominium Act, 1998* or in a building organized as a life lease project as described in O. Reg. 282/98; and,
- (7) “**Residential property**” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings, the use of which is incidental to the use of the main building.
- (8) “**Town**” means the geographical area of the Town of Oakville or The Corporation of the Town of Oakville, as the context requires;

II. **DEMOLITION CONTROL AREA**

- 2. The geographic area of the Town of Oakville is designated as an area of demolition control.
- 3. No person shall demolish or otherwise remove the whole or any portion of a residential property in an area of demolition control, unless that person is the holder of a demolition control permit issued for that residential property in accordance with this By-law.
- 4. Notwithstanding Section 3, a demolition control permit is not required under this By-law where:
 - (1) the proposed demolition does not reduce the number of dwelling units in the residential property;

- (2) an order under section 15 of the *Building Code Act, 1992* requiring removal of the residential property has been issued;
- (3) an order to remove the residential property has been issued under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;
- (4) the proposed demolition is necessary to allow for the construction or establishment of a public work or service approved by the Town of Oakville or Region of Halton;
- (5) the residential property is owned by the Town of Oakville or the Region of Halton and the demolition is required for the implementation of an approved capital works project; or
- (6) the residential property is a mobile home

III. **DEMOLITION CONTROL PERMITS**

Application Requirements

5. 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 Building Official an application in the manner described in Section 4 of Building By-law 2013-088, as may be amended, together with the prescribed fee as set out in the applicable fees and charges by-law.
6. The Commissioner of Community Development may require the submission of additional information for the purposes of administering this By-law, including information related to the number and tenure of the units in the residential property proposed for demolition.

Where Building Permit Issued

7. A demolition control permit shall be issued where a building permit has been issued for a replacement building(s) on the site of the residential property sought to be demolished.

Demolition of less than six dwelling units

8. The Chief Building Official is authorized to approve and issue a demolition control permit for all or part of a residential property, if the residential property contains less than six dwelling units and, where applicable, the owner consents to the conditions imposed on the permit.

Demolitions of six or more dwelling units

9. The Chief Building Official is authorized to issue demolition control permits for six or more dwelling units in accordance with the approval, subject to any conditions, given by the:
 - (1) Commissioner, for all or part of a residential property containing six or more non-rental units; and
 - (2) Council, for all or part of a residential property containing six or more rental units.

10. Without limiting Section 9, a demolition control permit for six or more dwelling units may not be approved until the owner submits a satisfactory site plan application for the redevelopment on the site of the residential property, and its issuance may be conditional on the owner obtaining final site plan approval and a building permit for the proposed redevelopment unless Council provides otherwise.

Conditions

11. The following conditions may be imposed on demolition control permits:
 - (1) that the replacement building must be constructed and substantially completed by such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced;
 - (2) that failure to complete the replacement building within the time specified on the permit shall entitle the municipality to enter the sum specified in the permit, which amount shall not exceed \$20,000 for each demolished dwelling unit, on the collection roll to be collected in like manner as municipal taxes and shall form a lien or charge upon the subject lands;
 - (3) that the applicant for the demolition control permit be required to register on title to the property notice of conditions (1) and (2) in a form satisfactory to the Town Solicitor.

General Provisions

12. The Commissioner or the Chief Building Official may refer any demolition control permit application to Council for a decision, but shall, in all cases, refer applications where refusal is recommended to Council for a decision.

13. Where the Town of Oakville Rental Housing Protection By-Law 2023-102, as may be amended, applies to the demolition of a residential property, a demolition control permit shall not be issued under this By-law until a Section 99.1 permit is approved and issued under said By-law 2023-102.
14. If a residential property is designated or listed under the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, a demolition control permit shall not be issued by the Chief Building Official until the requirements of the Ontario Heritage Act and the Town's Heritage By-law 2022-021, as amended, have been completed in respect of the proposed demolition.

IV. RELIEF FROM CONDITIONS ON DEMOLITION CONTROL PERMITS

15. Any person who has obtained a demolition control permit subject to the conditions referred to in Section 11 and considers that it is not possible to complete the new building within the time specified in the permit or is of the opinion that the construction of the new building has become not feasible on economic or other grounds, may apply to Council for relief from the conditions on which the permit was issued by sending notice of application by registered mail to the Clerk not less than sixty (60) days before the time specified in the permit for the completion of the new building.
16. Within 30-days of receipt of an application made pursuant to Section 15, Council shall either
 - (1) grant the requested relief;
 - (2) extend the time for completion of the new building for such period of time and on such terms and conditions as Council considers appropriate; or
 - (3) relieve the permit holder from the requirement of constructing the new building.

V. REVOCATION OF DEMOLITION CONTROL PERMITS

17. If the Chief Building Official revokes a building permit issued under Section 8 of the *Building Code Act, 1992* in relation to the demolition of the residential property or construction of the new buildings on the site of the residential property, the Chief Building Official may revoke the demolition control permit issued under this By-law for that residential property.

VI. ADMINISTRATION, ENFORCEMENT AND PENALTY

18. The Commissioner shall be responsible for the administration of this By-law, including but not limited to the enforcement thereof.
19. The Commissioner and the Chief Building Official are authorized to undertake all acts necessary to carry out the powers delegated to them under this By-law, including the authority to sign any required documents, unless Council provides otherwise.
20. Nothing in this By-law shall exempt any person from complying with the requirements of any applicable By-law, or from obtaining any licence, permission, permit, authority or approval required by this or any other By-law of the Town or by any other law in force at the time.
21. Every person who demolishes a residential property or any portion thereof, in contravention of this By-law is guilty of an offence and, on conviction, is liable to a fine of not more than \$50,000 for each dwelling unit demolished on the residential property.

VII. VALIDITY

22. In the event of a conflict between any provision of this By-law and the *Planning Act*, the *Planning Act* prevails.
23. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is Council's intention in enacting this By-law, that each and every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law.

VIII. EFFECTIVE DATE AND TITLE

24. This By-law shall be effective as of the date it is passed and shall be known as the "Demolition Control By-law".

PASSED this 10th day of July, 2023

MAYOR

CLERK