

STAFF REPORT

REPORT FROM THE DIRECTOR OF CLERKS AND PLANNING SERVICES

Re: Vacant Buildings – Information Report

RECOMMENDATION

That the Report of the Director of Clerks and Planning Services concerning a proposed vacant building bylaw be received;

And that staff be directed to continue with the implementation of a Vacant Building By-law and Vacant Building Registry system to be brought forward to a future Bylaw & Planning Standing Committee meeting.

BACKGROUND

This report is a result of the department's interest in finding ways to reduce the occurrence of vacant/derelict buildings that exist throughout the City. In certain instances, vacant/derelict buildings can negatively impact neighborhoods and individuals by becoming dilapidated, thereby causing hazards, becoming unsightly, becoming infested with pests, and attracting trespassers.

ANALYSIS

There are two main ways municipalities can address vacant/derelict buildings: maintain existing regulations through the City's Property Standards Bylaw and/or by introducing the use of a vacant building by-law and registry

Option #1 – Maintain Existing Regulations

Various sections of the existing Property Standards By-law and Clean Yards By-law require properties to comply with the following regulations:

- Properties must be protected against risks such as fire or accidents;
- Building must be secured to prevent entry or trespassing;
- Lots are to be kept clean and free from debris, refuse, garbage, etc.;
- Lots are to be kept clean and free from Grass over 20 cm, excessive growth of weeds, or dead, decaying, or damaged trees.

After proper notice and after such reasonable time has passed, should a property remain in a non-compliant condition, an officer may authorize the entry and performance of the work by a competent contractor. The work shall be done at the expense of the property owner and the cost of such work

and any associated administrative fees shall be then due and payable to the city and collected in the same manner as property tax.

Option #2 – Introduce a Vacant Building By-law & Vacant Building Registry Program

A vacant building bylaw registry is a list of buildings that have been vacant for a certain period per a corresponding Vacant Building By-law.

This Registry is governed by the corresponding by-law, which typically sets out requirements/processes such as registration, owner's responsibilities, and inspection by municipal enforcement staff, and penalties. This allows for a focus on ongoing monitoring of vacant buildings.

There are both advantages and limitations when establishing a vacant building by-law and registry.

Some advantages include:

- Regulates standards for vacant buildings to ensure public safety
- Helps monitor the number and status of vacant buildings in the municipality
- Provides clear expectations for land owners to maintain safe conditions for vacant buildings.

Some limitations include:

- Reactive – does not prevent buildings from becoming vacant
- May require additional resources such as administrative, legal, IT, enforcement, and finance to establish and enforce the by-law and to maintain the registry

Through the introduction of a vacant building by-law and registry program, other regulations may be imposed to further promote the occupancy, sale, or restoration of a vacant building. Such considerations include:

- The requirement to register a vacant building with the City;
 - Registration includes an annual fee
 - Additional fees are charged for ongoing re-inspections by Fire, Building, or Property Standards; and
- The requirement for property owners to inspect the property every two weeks for compliance (or arrange for an agent to). This provision also requires the property owner to maintain records and provide these records upon request

Although Municipal Enforcement has been successful in applying orders and violations against property owners of vacant buildings; staff are recommending the introduction of a Vacant Building By-law and Registry System to better address safety and security concerns. This includes placing additional requirements on the owners to maintain the property in a safe and secure condition with an increased obligation to perform such things as regular inspections, proper security measures, and addressing any issues that could pose a risk to the public. The bylaw will also help to ensure the buildings don't become hazards or eyesores in the community.

Attached to this report is a draft Vacant Building By-law that staff have been working on for the Committee's review and feedback. As this by-law is in the early phase of development it still needs to be reviewed with other departments, including Fire and Legal. We are also still working on the fee and fine schedule.

FINANCIAL IMPACT

Implementing a vacant building bylaw can have financial impacts on the municipality. It may require additional resources for enforcement and administration, however, it can also generate revenue through fines and fees to help offset those costs.

Additionally, when owners don't address violations and the municipality takes action to complete the work it bears the upfront costs which are then applied to the property owners' tax account as per the *Municipal Act*.

LINKS TO STRATEGIC PLAN

Strong Municipal Corporate Administration and Governance through the creation, review, and updating of bylaws, policies, and procedures.

SUMMARY

It is recommended that the Committee provide direction to staff to continue working towards the implementation of a Vacant Building By-law and Registry System.