

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Building and Licensing Division**

<b>Report to:</b> Chair and Members Planning & Economic Development Committee	<b>Submitted by:</b> Lee Ann Coveyduck General Manager Planning and Economic Development Department
<b>Date:</b> February 17, 2006	<b>Prepared by:</b> Judy Downey 905-546-2424 Ext. 6108

**SUBJECT: Demolition Permit – 11 Morris Avenue (PED06082) (Ward 3)**

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**RECOMMENDATION:**

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 11 Morris Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

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Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

Staff of the Standards and Licensing Section is proposing to demolish the existing single family dwelling that was severely damaged by a fire in September 2005, and leave the lands vacant at this time. A recent field inspection revealed that it is not economically feasible to repair the dwelling and the dwelling should be demolished.

**BACKGROUND:**

PRESENT ZONING: D (Map E-44)  
PRESENT USE: Single Family Dwelling  
PROPOSED USE: Vacant Land

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**Page 2 of 3**

**BRIEF DESCRIPTION:** An Order to Comply pursuant to the City of Hamilton Property Standards By-law No. 03-117 was served on the owner of the subject property on November 9, 2005, to undertake repairs to the fire damaged structure located at 11 Morris Ave. The Order was not appealed and was confirmed on December 12, 2005. The property owner was ordered to carry out the work as outlined in the Order to Comply, which is in contravention of Property Standards By-Law No. 03-117 or alternately the site be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition within twenty-eight (28) days of service of the Order.

Section 42(1) of the City of Hamilton Property Standards By-law No. 03-117 states that if the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies may repair or demolish the property; may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; or may make the site safe or impede entry by erecting fences, barricades or barriers. A field inspection revealed that it is not economically feasible to repair the dwelling that was severely damaged by a fire in September 2005.

This property is not located in the “Central Area” as defined in City Council resolution passed on July 26, 1994, regarding demolition control and therefore is not subject to special conditions regarding demolition control that would have required a building permit to be issued for a replacement dwelling on the property, or Site Plan Agreement to be finalized for the site and for reconstruction within a specific time frame. This land is in the Crown Point West neighbourhood and is located in Ward 3. Please see attached location map shown as Appendix A to Report PED06082.

No LACAC interest. Lot size 6.1m x 30.48m

**ANALYSIS/RATIONALE:**

N/A

**ALTERNATIVES FOR CONSIDERATION:**

N/A

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**Page 3 of 3**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Pursuant to City of Hamilton Property Standards By-law No. 03-117 Section 37(3) authorizes a Property Standards Officer to give immediate effect to any order that is confirmed or modified as final and binding under Section 15.3(7) of the Building Code Act, 1992 so as to provide for repair of the property; or clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition, where the cost of the work does not exceed \$20,000. In the case of the subject property, 11 Morris Avenue, the order to comply issued to effect the necessary repairs or demolish the single family dwelling was confirmed on December 12, 2005, and the cost of the demolition does not exceed \$20,000. Therefore, pursuant to Section 37(5) of the By-law upon completion of the work, repairs or demolition by or on behalf of the City, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount of the repair/demolition shall be deemed to be municipal real property taxes and may be added to the tax roll of the subject property and collected in the same manner and with the same priorities as municipal real property taxes as provided for by statute.

**POLICIES AFFECTING PROPOSAL:**

N/A

**RELEVANT CONSULTATION:**

N/A

**CITY STRATEGIC COMMITMENT:**

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.**                       Yes     No

**Environmental Well-Being is enhanced.**                       Yes     No

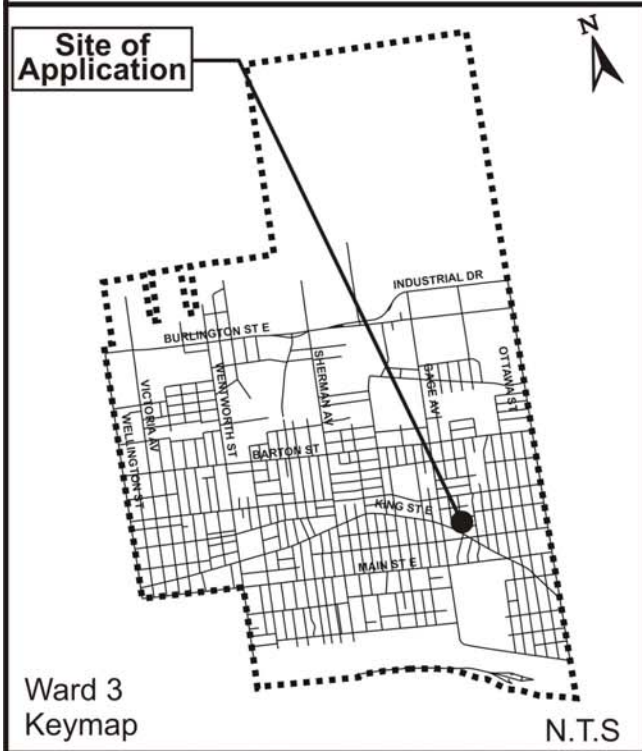
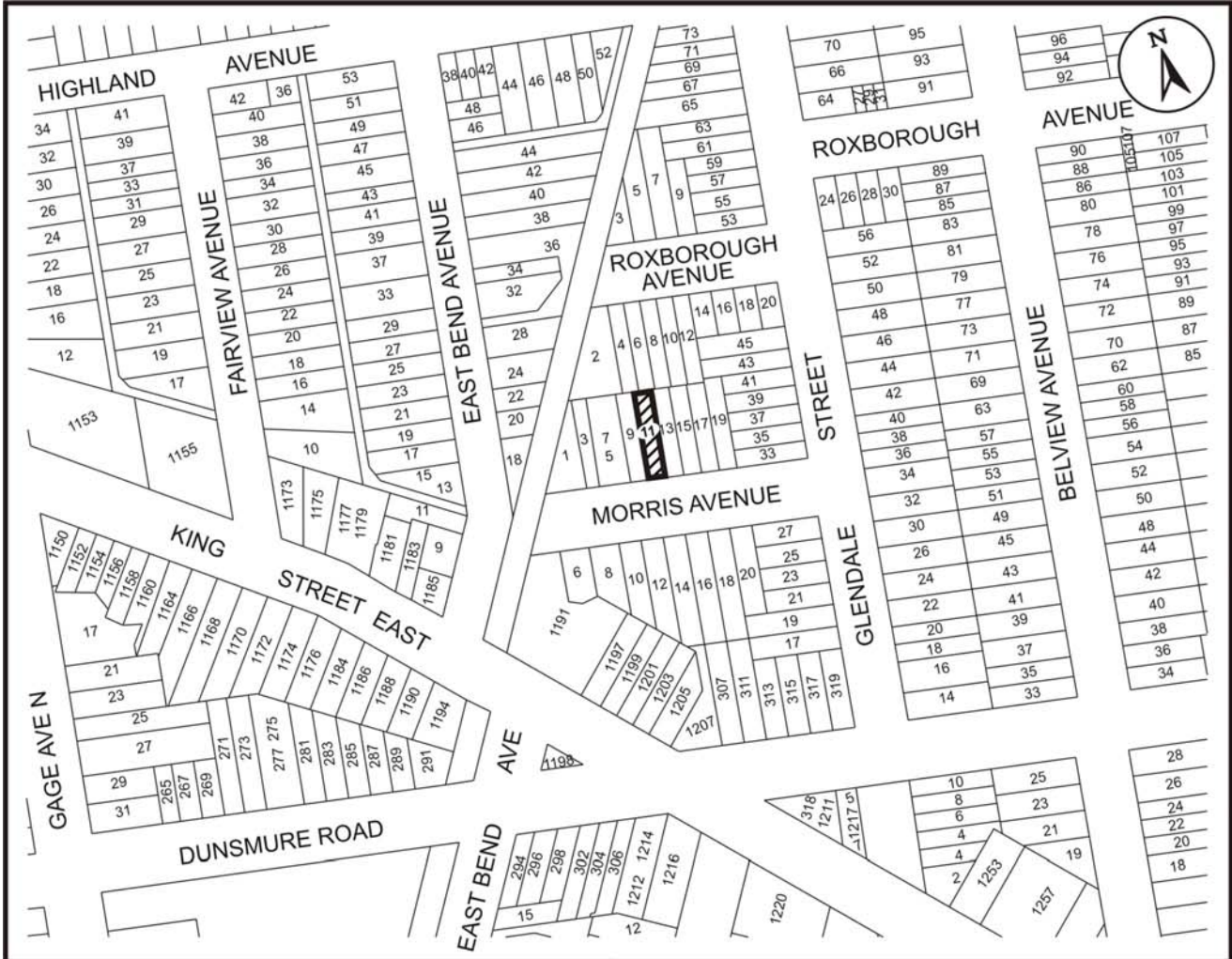
Human Health and safety are protected.


The demolition of this fire damaged dwelling reduces risk of possible accidents that could occur on the property.

**Economic Well-Being is enhanced.**                       Yes     No

**Does the option you are recommending create value across all three bottom lines?**  
 Yes     No


**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**                       Yes     No




 Planning and Economic Development Department  
 Hamilton

## Location Map

File Name/Number: 11 Morris Ave	Date: February 8, 2006
Appendix "A"	Scale: N.T.S
	Planner/Technician: JD/LMM


**Subject Property**  
**11 Morris Ave**