



Subject: Property Standards and Vacant Building Registry By-laws
To: Council
From: Community Safety & Enforcement Department

Report Number: 2024-24

Meeting Date: February 27, 2024

Recommendation:

That Community Safety and Enforcement Department Report 2024-24 be received; and

That the Property Standards By-law attached as Appendix A be approved; and

That the Vacant Building Registry By-law attached as Appendix B be approved; and

That the by-law attached as Appendix C, being a by-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Property Standards), be approved; and

That the by-law attached as Appendix D, being a by-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Vacant Building Registry), be approved.

Purpose:

The purpose of this report is to obtain the approval of Council for enacting the Property Standards By-law, attached as Appendix A; the Vacant Building Registry By-law, attached as Appendix B; the by-laws to amend the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (the "NPAMPS By-law"), attached as Appendices C and E, to establish new penalties for the Property Standards and Vacant Building Registry By-laws respectively; the by-laws to amend the current User Fees and Charges By-law in effect, attached as Appendices D and F, to establish new fees for the Property Standards and Vacant Building Registry By-laws respectively.

Background:

By-law Services introduced the Property Standards By-law in 1976, with updates approved in 1996 and 2002. In 2002, Report 2002-52 presented Council with a new by-law that recognized legislation which shifted jurisdiction from the *Planning Act* to the *Building Code Act*. The Property Standards By-law mirrors a model by-law endorsed by the Ontario Association of Property Standards Officers (OAPSO) and maintains compliance with the *Building Code Act* requirements.

Over the years, staff have been monitoring the Property Standards By-law to determine where the by-law can be improved. The updated Property Standards By-law includes new definitions and prohibitions, Special Standards for damaged and/or heritage buildings, and expands on the existing provisions for vacant buildings. The main building standards are still modeled after those established by the OAPSO, as these provide standard regulations and prohibitions throughout Ontario.

The Vacant Building Registry By-law will allow City staff to maintain a registry of all vacant buildings within the community, which will assist with enforcing the Property Standards By-law to ensure vacant buildings are secured and maintained.

The Vacant Building Registry By-law requires property owners to register vacant buildings and renew any vacant building registrations yearly at a cost of \$1,250 to \$3,000 depending on the zoning of the property. Property owners or their authorized agent(s) must monitor the condition of their vacant buildings a minimum of once every 2 weeks, or as ordered in writing by the Manager of By-law Services.

The Vacant Building Registry will benefit the City because vacant buildings are disproportionately more likely to be the site of a fire, can present safety issues when unsecured, and can negatively impact neighbourhood property values if not well maintained.

The City of Port Colborne has 20 to 25 vacant buildings at any one time and By-law Services performs monthly checks to review the status of each building. The proposed Vacant Building Registry By-law will put the onus to check buildings on the property owner. Failure to complete vacant building checks can result in the owner receiving a penalty under the City's Administrative (Non-Parking) Penalty By-law. Three tiers of penalties will apply, and an owner could be subject to continued penalties until the property is brought into compliance.

Discussion:

Vacant Building Registry By-law

What is a Vacant Building Under the Vacant Building Registry By-law, a "Vacant Building" is defined as follows:

- 2.1 In this By-law, subject to subsections 2.2 and 2.3, "Vacant Building", means a Building that does not appear to be in use and, without limiting this definition, shall include a building, that in the opinion of the Manager:
- 2.1.1 is not protected from the entry of unauthorized Persons;
 - 2.1.2 is not protected from the entry of rain, snow, vermin or birds into the interior of the Building;
 - 2.1.3 where the supply of any one or more of the electricity, gas or water utilities serving the Building is discontinued or disconnected;
 - 2.1.4 where one or more of the electricity, gas or water utilities serving the Building is not being used;
 - 2.1.5 if the Building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23* and its regulations (the "*Building Code Act*"), the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* and its regulations (the "*Fire Protection and Prevention Act*"), the City Property Standards By-law, or any other applicable statute, regulation or by-law;
 - 2.1.6 where 25% or more of the door and window openings to the Building are partially or completely boarded up (for example, if there are 8 door and window openings to a Building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or
 - 2.1.7 where an Application for Rebate of Property Taxes for the entire Building has been submitted to the City's Tax Section.
- 2.2 A Vacant Building does not include a Building where the Owner satisfies the Manager that:
- 2.2.1 a use permitted under the City's Zoning By-law is occurring;
 - 2.2.2 a permit has been issued by the City for construction or demolition of the Building and construction or demolition work has been actively undertaken for at least 40 hours during each 90-day period following the issuance of the permit;
 - 2.2.3 the Building is not a dwelling and is on Property used as a Farm; or
 - 2.2.4 the Building is occupied by the Owner, or a Person authorized by the Owner, on a seasonal basis.

- 2.3 A Vacant Building does not include a building that is owned or controlled by the federal, provincial, regional or City government.

Vacant Buildings as per that definition are the types of buildings that staff earmark for review and inspections to reduce the likelihood of such buildings entering a dilapidated state. Staff encourage property owners to fill or develop unused buildings. The additional costs associated with the Vacant Building Registry will act as an impetus for owners to fill vacant buildings to help improve housing and commercial building supply in the City.

The Property Standards By-law

The Property Standards By-law will regulate and enforce the boarding and condition of vacant buildings. In the Property Standards By-law, a Vacant Building has the same meaning as defined in the City of Port Colborne Vacant Building Registry By-law.

Section 6 incorporates Special Standards which includes Vacant Buildings, Damaged Buildings, Fire Damaged Buildings, and Heritage Buildings. In this section of the by-law staff have created specific standards and requirements to prevent unauthorized entry, to curb neglect, and to rectify buildings in disrepair. The Special Standards will allow staff to garner faster results, reduce building damage, and prevent buildings from sitting in a state of disrepair for long periods of time.

Internal Consultations:

Both the Property Standards By-law and the Vacant Building Registry By-law have been reviewed by Fire Services and approved by the City Solicitor.

Financial Implications:

Owners with vacant properties will be required to pay an annual registration fee to cover the administration and staff resources of enhanced monitoring.

The current complement of staff in the By-law Services Division have the capacity to enforce and monitor the anticipated 20 to 25 buildings that will be the subject of the Vacant Building Registry By-law. Should the buildings listed on the Vacant Building Registry exceed approximately 50, more staff may be required to continue and expand enforcement efforts. Staff expect that the fees collected under this by-law will offset and provide cost recovery for the staff required.

Public Engagement:

Notice of the Vacant Building Registry By-law was mailed to the mailing address of the registered owners of all the known vacant buildings in the City of Port Colborne.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcome, Livable, Health Community
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Conclusion:

The approval of the proposed Property Standards By-law and the Vacant Registry By-law will benefit and allow for a safer and cleaner community.

Appendices:

- a. Property Standards By-law
- b. Vacant Building Registry By-law
- c. By-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Property Standards)
- d. By-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Vacant Building Registry)

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.