

PROPERTY MAINTENANCE

Chapter 433 DEMOLITION RESIDENTIAL PROPERTY

CHAPTER INDEX

Article 1 INTERPRETATION

- 433.1.1 Chief Building Official – defined
- 433.1.2 City – defined
- 433.1.3 Council – defined
- 433.1.4 Demolition Control Area – defined
- 433.1.5 Demolition Permit – defined
- 433.1.6 Dwelling Unit – defined
- 433.1.7 Planning Act – defined
- 433.1.8 Public Works – defined
- 433.1.9 Residential Property – defined

Article 2 DEMOLITION CONTROL AREA

- 433.2.1 Demolition Control Area – Schedule ‘A’
- 433.2.2 Demolition Permit – required
- 433.2.3 Demolition Permit – exemptions
- 433.2.4 Demolition Permit – application

Article 3 ENFORCEMENT

- 433.3.1 Fine – for contravention

Article 4 DELEGATION OF AUTHORITY

- 433.4.1 Demolition Permit – issued by Chief Building Official
- 433.4.2 Routine Applications
- 433.4.3 Delegation of Authority – limitations
- 433.4.4 Delegation of Authority – signing authority

Article 1
INTERPRETATION

433.1.1 Chief Building Official – defined

“Chief Building Official” means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Building Code Act*.

433.1.2 City – defined

“City” means the geographical area of the City of Brantford or The Corporation of the City of Brantford as the context requires.

433.1.3 Council – defined

“Council” means the municipal council of the City.

433.1.4 Demolition Control Area – defined

“Demolition Control Area” means the demolition control area as set out and defined in Schedule ‘A’ attached to this Chapter.

433.1.5 Demolition Permit – defined

“Demolition Permit” means a demolition permit issued pursuant to this Chapter.

433.1.6 Dwelling Unit – defined

“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.

433.1.7 Planning Act – defined

“*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13 and the regulations thereunder, as amended from time to time.

433.1.8 Public Works – defined

“Public Works” means any buildings, structures, roadworks, water supply, sanitary sewer, storm sewer, sidewalk, street light, or other similar infrastructure projects provided by The Corporation of the City of Brantford.

433.1.9 Residential Property – defined

“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.

DEMOLITION – RESIDENTIAL PROPERTY

Article 2 DEMOLITION CONTROL AREA

433.2.1 Demolition Control Area – Schedule ‘A’

This Chapter shall apply to all lands within the boundary of the Demolition Control Area.

433.2.2 Demolition Permit – required

No person shall demolish or otherwise remove the whole or any portion of a Residential Property in the Demolition Control Area unless that person is the holder of a Demolition Permit issued for that Residential Property by the City.

433.2.3 Demolition Permit – exemptions

This Chapter shall not apply where:

- a) The demolition is limited to a part of the Residential Property and does not reduce the number of Dwelling Units;
- b) The demolition of Residential Property results from the implementation of Public Works approved by Council; or
- c) The Residential Property has been found to be unsafe under Section 15.9 of the *Building Code Act, 1992*, S.O. 1992, c. 23 and an order for demolition has been issued by the Chief Building Official.

433.2.4 Demolition Permit - application

Every applicant for a Demolition Permit shall submit a completed demolition application to the City in the form and with such content as required by the City in its sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute a demolition application for the purposes of section 33 of the *Planning Act* or this Chapter.

Article 3 ENFORCEMENT

433.3.1 Fine – for contravention

Every person who demolishes a Residential Property, or any portion thereof, in contravention of this Chapter is guilty of an offence and, on conviction, is liable to a fine of not more than \$50,000 for each Dwelling Unit contained in the demolished Residential Property or portion thereof.

Article 4 DELEGATION OF AUTHORITY

433.4.1 Demolition Permits – Issued by Chief Building Official

The Chief Building Official is hereby delegated authority to issue Demolition Permits pursuant to subsection 33(3) of the *Planning Act* for routine applications.

433.4.2 Routine Applications

For the purposes of this Article, “routine applications” include applications to demolish Residential Property where the Residential Property is not designated or listed under the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 and where no issues have been identified by any department of the City or third party to whom circulation has been provided, and:

- a) where the Residential Property has been severely damaged by fire, water, wind, or other extreme conditions; or
- b) where the application will facilitate a redevelopment, provided that:
 - i. conditional Site Plan approval has been granted; or
 - ii. Draft Plan of Subdivision or Draft Plan of Condominium approval has been granted; or
 - iii. in cases where Site Plan approval or Draft Plan of Subdivision or Condominium approval is not required, a complete application for Building Permit has been submitted to replace the number of Dwelling Units of the Residential Property; or
 - iv. demolition is required as a condition of a decision by the Committee of Adjustment for the City.

433.4.3 Delegation of Authority – limitations

The delegation of authority set out in this Article does not include the authority to:

- a) refuse to issue a Demolition Permit;
- b) establish conditions; or
- c) issue or refuse to issue a Demolition Permit for a Residential Property listed or designated under the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18.

433.4.4 Delegation of Authority – signing authority

The delegation of authority set out in this Article include the authority of the Chief Building Official to sign all documents necessary in order to carry out the delegated powers set out in this Chapter.

By-law 156-2019, October 22, 2019.

DEMOLITION – RESIDENTIAL PROPERTY

SCHEDULE 'A' – Demolition Control Area

