

# Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



**To:** Mayor and Members of Council

**CC:** Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**From:** Andre Gratton, Manager of Enforcement  
Services

**Date:** June 19, 2023

**File #:** N/A

**Subject:** Administrative amendments to the Vacant  
Buildings section of Property Standards By-  
law # 6874-14

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Please be advised that Staff have identified that the Town's Property Standards By-law 6874-14, as amended, requires an administrative amendment to address unintended consequences arising from its current wording. This change is required for enforcement, prosecutorial and legal purposes. A highlight of the proposed changes has been appended as Attachment # 1.

The current wording has required enforcement staff to prove that a property has been vacant for a continuous period of at least 24 months prior to issuing an order to demolish a structure under this section. This requirement has been difficult to enforce and has unintentionally created opportunities for offending property owners to circumvent enforcement and allow properties to remain derelict for more than 24 months with little effort. There is no legal requirement for the 24 month period and other municipalities do not have such a requirement.

The proposed amendments will not affect the rights of appeal of any persons (owners or occupants) issued a Property Standards Order. The intent of this change is not to affect properties which may be seasonally vacant (e.g., properties whose residents travel abroad during winter). To ensure fairness and consistency in the enforcement of this section, staff propose to create a departmental Standard Operating Procedure regarding the investigation of derelict properties and orders to demolish derelict structures. The affected parties will maintain full rights of appeal to the Municipal Licensing and Standards Committee and Ontario Superior Court as outlined within the Town's Property Standards By-law and Section 15.3 of the *Ontario Building Code Act, 1992, S.O. 1992, C.23*.

## **Attachment # 1**

### **Current language**

3.12.5. if the building, accessory structure or structure is vacant, unused, or unoccupied by legal residents for a continuous period of at least 24 months, then the building, accessory structure or structure shall either:

- (a) be prepared for use and occupancy and be so occupied immediately; or,
- (b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.

### **Proposed revised language**

3.12.5. if the building, accessory structure or structure is vacant, unused, or unoccupied by legal residents for a continuous period of at least 24 months, then the building, accessory structure or structure shall either:

- (a) be prepared for use and occupancy and be so occupied immediately; or,
- (b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.