

Report to/Rapport au :

**Community and Protective Services Committee
Comité des services communautaires et de protection**

and Council / et au Conseil

**April 9, 2013
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Submitted by/Soumis par :

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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2013-COS-EPS-0011

SUBJECT: STRATEGY TO ADDRESS VACANT BUILDINGS

**OBJET : STRATÉGIE POUR PRENDRE DES MESURES CONCERNANT LES
BÂTIMENTS VACANTS**

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend to Council that the strategy to address vacant buildings, as outlined in this report, be approved.

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil que la stratégie pour prendre des mesures à l'égard des bâtiments vacants, telle qu'indiquée dans le présent rapport, soit approuvée.

EXECUTIVE SUMMARY

Recent events in the City related to vacant properties have brought to the forefront the importance of property owners taking responsibility to maintain their lands and buildings in good condition. Lands and buildings which are left vacant and in disrepair pose

potential public safety issues and can make our communities and neighbourhoods unsightly and unpleasant places in which to live – even potentially devalue surrounding properties.

The City is seeking to improve the maintenance of vacant buildings by undertaking proactive enforcement of existing regulations and, in the longer term, by strengthening those regulations as well as potentially introducing new ones.

The proposed strategy to address vacant buildings in the city includes:

- Proactive enforcement of existing regulations
- Two Property Standards Officers dedicated to investigating vacant buildings

Existing regulatory mechanisms to address vacant buildings include:

- Property Standards By-law which requires that buildings – exterior and interior – and the lands surrounding them be maintained to a minimum standard, in order to ensure public health and safety (e.g. roof, paint, porch, siding, etc.)
- Board Up By-law which requires that buildings be rendered inaccessible and that boarding up material coordinate with other finishes.
- Property Maintenance By-law which requires that the lands surrounding buildings be kept free of refuse and debris, properly maintained (e.g. grass length).
- Graffiti Management By-law which requires that owners keep their property free of graffiti.
- Signs by-laws which require that no prohibited signage is displayed on the property.

Potential new mechanisms for vacant buildings include:

- Property tax reductions: Requesting that the provincial government grant the City the authority to limit property tax reductions on vacant properties.
- Existing by-laws: Strengthening provisions to require higher standards of maintenance of vacant lands and buildings to prevent deterioration.
- Developing specific standards pursuant to the Ontario Heritage Act for maintenance and repair of heritage buildings (e.g. utilities servicing remain connected).
- Considering a by-law similar to that in place in the City of Winnipeg requiring annual permits for vacant buildings and the payment of associated fees.
- Reviewing the feasibility of requiring that a fire safety plan be in place and that safety systems be maintained.

The By-law and Regulatory Services Branch is working closely with the Building Code Services Branch, Ottawa Fire Services, Legal Services and the City's Heritage Services on this issue.

The proposed approach is also consistent with Council objective to addressing issues of heritage building demolition by neglect as detailed in this report.

RÉSUMÉ

Les événements liés aux propriétés vacantes récemment survenus dans la Ville ont fait ressortir l'importance, pour les propriétaires, de prendre leurs responsabilités et de maintenir leurs terrains et leurs édifices en bon état. En effet, les biens-fonds laissés vacants et en mauvais état peuvent non seulement poser des problèmes de sécurité publique, mais ils peuvent aussi nuire à l'esthétique de nos quartiers et voisinages et les rendre peu accueillants – voire provoquer la dévaluation des propriétés avoisinantes.

La Ville cherche donc à améliorer l'entretien des édifices vacants, notamment en faisant appliquer proactivement les règlements en vigueur et, à plus long terme, en les renforçant et éventuellement en en adoptant de nouveaux.

La stratégie proposée par la Ville pour régler la question des édifices vacants comprend :

- l'application proactive des règlements existants;
- l'affectation de deux agents des normes de biens-fonds chargés d'enquêter sur les bâtiments vacants.

Les mécanismes réglementaires permettant actuellement de régler la question des édifices vacants incluent :

- le Règlement en matière de normes foncières, qui exige que les bâtiments – extérieur et intérieur – et les terrains du voisinage soient entretenus conformément aux normes minimales, de façon à assurer la santé et la sécurité du public (p. ex., toiture, peinture, porche, revêtement, etc.);
- le Règlement concernant la condamnation de certains immeubles, qui exige que l'on rende ces bâtiments inaccessibles et que le matériel de condamnation soit assorti avec les autres finitions;
- le Règlement sur l'entretien des propriétés, qui prévoit que les terrains adjacents doivent être libres de résidus et de débris et entretenus convenablement (p. ex., hauteur de la pelouse);
- le Règlement sur le contrôle des graffitis, qui oblige les propriétaires à garder leur propriété exempte de graffitis;
- les Règlements concernant les enseignes, qui visent à prohiber l'installation d'enseignes interdites sur la propriété.

De nouveaux mécanismes réglementaires visant les bâtiments vacants pourraient inclure :

- des Réductions sur les taxes foncières : Demander au gouvernement provincial de conférer à la Ville l'autorisation de limiter les réductions des taxes foncières sur les propriétés vacantes;
- les Règlements en vigueur : Renforcer les dispositions pour exiger l'imposition de normes d'entretien plus strictes pour les terrains et les bâtiments vacants et ainsi éviter leur détérioration;
- élaborer des normes spécifiques au titre de la Loi sur le patrimoine de l'Ontario pour l'entretien et la réparation des édifices historiques (p. ex., les services publics doivent rester connectés);

- étudier la possibilité d'adopter un règlement similaire à celui que la Ville de Winnipeg a mis en place, en l'occurrence exiger des permis annuels pour les bâtiments vacants et le versement des frais connexes;
- vérifier la faisabilité d'une obligation de mettre en place un plan de sécurité-incendie et d'entretenir des systèmes de sécurité.

Les Services des règlements municipaux travaillent étroitement avec la Direction des services du Code et du bâtiment, ainsi qu'avec le Service des incendies, les Services juridiques et les Services du patrimoine d'Ottawa sur cette question.

L'approche proposée est également conforme à l'objectif du Conseil, qui vise à résoudre les problèmes de démolition de biens patrimoniaux négligés, tel qu'énoncé dans le présent rapport.

BACKGROUND

Recent events in the City related to vacant properties have brought to the forefront the importance of property owners taking responsibility to maintain their lands and buildings in good condition. Lands and buildings which are left vacant and in disrepair pose potential public safety issues and can make our communities and neighbourhoods unsightly and unpleasant places in which to live – even potentially devalue surrounding properties.

The City takes these issues very seriously and staff is proposing to implement a strategy to address vacant buildings using existing regulatory mechanisms proactively, as well as conducting a review to determine the necessity for, and nature of, any new mechanisms. The proposed approach is also consistent with Council objectives with respect to addressing issues of heritage building demolition by neglect.

DISCUSSION

There are currently in excess of forty (40) vacant buildings under investigation – some with a heritage component and some without. For purposes of the proposed strategy, a vacant building will be considered one that includes the following criteria:

- it is unoccupied;
- it displays some visible signs of deterioration;
- it is, or should be, boarded up; and,
- it is *not* an agricultural building or a building already approved for demolition.

Proactive Enforcement of Existing Regulations

Traditionally, largely given the volume of Service Requests received by By-law & Regulatory Services, enforcement of the various by-laws relevant to vacant buildings has been reactive and primarily to address safety issues. However, two Property Standards Officers will be dedicated to investigating vacant buildings known to the

Branch, as well as those brought to the Branch's attention, on a proactive basis. Investigations will include those related to the existing regulations outlined below.

Property Standards By-law

- This by-law, enacted under the Building Code Act, requires that buildings – exterior and interior – and the lands surrounding them be maintained to a minimum standard in order to ensure public health and safety, and to provide cohesiveness within the neighbourhood from a property standards perspective.
- Examples of requirements include:
 - the roof is in good repair;
 - painted surfaces are maintained;
 - components of the building, such as foundations and porches, are sound.
- Orders with respect to any buildings with a heritage component will reference the potential to make application under the Ontario Heritage Act.
- Non-compliance with Orders issued under the Property Standards By-law may result in the City causing the work to be done and billing the property owner on the tax roll.

Board Up By-law

- The Board Up By-law was enacted in 2010 and requires that vacant buildings be rendered inaccessible, be able to withstand the elements, and have removed from them any parts which, because of their condition, cannot be satisfactorily boarded up.
- Material used to board up a building must completely cover and be properly fitted to the openings of the building, and must coordinate with other finishes on its exterior.
- A Notice in this regard is issued; non-compliance with a Notice may result in the City causing the work to be done and billing the property owner on the tax roll.

Property Maintenance By-law

- This by-law, enacted under the Municipal Act, 2001, requires that the lands surrounding buildings be kept free of refuse and debris, and that they be maintained to be consistent with the surrounding environment (e.g. grass length).
- A Notice in this regard is issued; non-compliance with a Notice may result in the City causing the work to be done and billing the property owner on the tax roll.

Graffiti Management By-law

- As well as providing for a prohibition on placing of graffiti on property, this by-law also requires that owners keep their property free of graffiti to discourage vandals from continuing their illegal activity.
- A Notice of Violation is issued to property owners to remove the graffiti within a specified period of time – failure to do so may result in the City causing the work to be done and billing the property owner on the tax roll.

Signs by-laws

- The Temporary Signs By-law and the Permanent Signs By-law require that no prohibited signage is displayed on the property.

- Enforcement is by way of a Provincial Offence Notice or the removal of the illegal sign, the costs of which are billed back to the property owner.

In general, the same standards applied to occupied buildings will be applied to vacant ones. Further, as part of the proactive enforcement program, confirmed Orders – ones with which compliance has not occurred by the due date – will be posted on the property in question and on the City’s website.

Potential New Mechanisms

Several new mechanisms to address vacant buildings are proposed for review and/or potential consideration by Council or implementation, accordingly, as outlined below.

Property Tax Reductions

- Council recently approved a motion to request that the provincial government grant the City the authority to limit or deny property tax reductions on vacant commercial and industrial properties.
- Should this authority be granted, it would act as an incentive for property owners to take some action with respect to such vacant properties.

Amendments to Existing By-laws

- Staff will review existing by-laws to determine whether there is potential to strengthen provisions to require higher standards of maintenance of vacant lands and buildings to improve appearance and to prevent deterioration.
- Included in the review will be the possibility of requiring that windows of vacant buildings be maintained in good repair as opposed to being boarded up.
- Staff will also review the potential to develop and enforce, through by-law provisions, specific standards pursuant to the Ontario Heritage Act for maintenance and repair of heritage buildings.
 - For example, some other jurisdictions require that appropriate utilities servicing of the building remain connected so as to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.
 - If such by-law provisions were enacted, Orders issued with respect to heritage buildings could include these specific standards.

Enactment of New Regulations

- Staff will review regulations in place in other jurisdictions that address vacant buildings with a view to potentially developing and proposing for enactment similar regulations for Ottawa.
- One example is a by-law that is in place in the City of Winnipeg which requires annual permits for vacant buildings and the payment of associated fees, and imposes specific maintenance standards, security requirements and re-occupancy standards for vacant buildings.
 - In 2010, the City of Winnipeg enacted a by-law which regulates the condition of vacant buildings and discourages the boarding up of vacant buildings. If a

building is unoccupied, but is not boarded up and is maintained to a high standard, a permit is not required.

- Pertaining to commercial boarded buildings, the by-law provides that upon payment of permit fees established by Council, the owner of a commercial building may obtain an unlimited number of Boarded Building Permits for that building, each being valid for a period of one (1) year after being issued. The permit is automatically transferred to the next owner of the building.
- The fees for a commercial building boarding permit are:
 - \$2000 for the first year
 - \$3500 for the second
 - \$5000 for the third
 - \$6500 for the fourth
 - \$1500 more than the previous year for each subsequent year
- Ultimately, the municipality may take title to the land in question under certain circumstances if applicable standards are not met, as provided by the legislative authority specific to the City of Winnipeg.

Application of the Fire Prevention and Protection Act and the Fire Code

- Staff will review the feasibility of requiring that a fire safety plan be in place and that safety systems be maintained with respect to vacant buildings.

Next steps

- As part of this review exercise, staff will consider any associated legal or other potential implications.
- Staff will undertake the aforementioned initiatives and report back in September of 2013 accordingly.

RURAL IMPLICATIONS

There are no direct rural implications associated with the recommendation.

CONSULTATION

This report serves primarily to seek Council endorsement of the proposed strategy. On that basis, any necessary and appropriate consultation will take place during the course of implementing the Council-approved strategy. Staff did however have the opportunity to provide to the Built Heritage Sub-Committee a brief overview of the proposed strategy which was well-received. Staff will consult with this Committee on any future proposals in this regard.

LEGAL IMPLICATIONS

The legal implications relevant to the Council directives and staff's response to those directives are outlined in this report. There are no legal impediments to implementing the recommendation of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the proposed strategy as the costs, if any, are included in the current budget for By-law and Regulatory Services. No incremental costs are anticipated.

ACCESSIBILITY IMPACTS

There are no direct impacts on disabled persons and seniors associated with the recommendation.

TECHNOLOGY IMPLICATIONS

There are no technological implications associated with the recommendation.

TERM OF COUNCIL PRIORITIES

If approved and implemented, the strategy will ultimately contribute to the following 2011-2014 Term of Council Priorities: C1 – Residents – Contribute to the improvement of quality of life; and, HC2 – Healthy and Caring Communities – Improve parks, recreation, arts and heritage.

DISPOSITION

By-law & Regulatory Services Branch, in conjunction with any other relevant Departments, to implement any directions emanating from this report, as appropriate.