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**Pages**

**Public Meeting**

**Additional Agenda Items**

(As may be presented at the meeting)

**Declarations of Pecuniary Interest**

(As may be presented by Council Members)

**Presentations**

None

**Delegations**

None

**Referrals from Council**

None

**Reports from Advisory Committees**

**SF-23-16 - Identification Cards for Heritage Oshawa Members (Formerly HTG-23-19) (All Wards)**

Recommendation

That Heritage Oshawa recommend to the Safety and Facilities Services Committee:

That Heritage Oshawa members be provided with identification cards to identify themselves at events around the City of Oshawa.

**Items Requiring Direction**

None

**SF-23-17 - Vacant Buildings and Property Standards By-law 1-2002 (All Wards)**

**Recommendation**

That the Safety and Facilities Services Committee recommend to City Council:

That based on Report SF-23-17 dated April 19, 2023 concerning Vacant Buildings and Property Standards By-law 1-2002:

1. That the Safety and Facilities Services Committee select an appropriate option for the Vacant Building and Land Registry By-law as detailed in Section 5.3 of Report SF-23-10, appended as Attachment 2 to this report; and,
2. That Section 8.1.4 of Property Standards By-law 1-2002, as amended, be further amended to remove the reference to the twenty-four (24) month period and replace it with a twelve (12) month period.

**Public Consent Agenda**

**Correspondence with Recommendations**

None

**Staff Reports/Motions with Recommendations**

None

**Public Discussion Agenda**

**Matters Excluded from Consent Agenda**

None

**Items Introduced by Council Members**

**Items Pulled from the Information Package**

None

**Questions to Staff Concerning the Committee's Outstanding Items List**

**Closed Consent Agenda**

None

**Correspondence with Recommendations**

None

**Staff Reports/Motions with Recommendations**

None

**Closed Discussion Agenda**

**Matters Excluded from Consent Agenda**

**Items Requiring Direction**

None

**Matters Tabled**

None

Adjournment



To: Safety and Facilities Services Committee

From: Tracy Adams, Chief Administrative Officer,  
Office of the C.A.O.

Report Number: SF-23-17

Date of Report: April 19, 2023

Date of Meeting: April 24, 2023

Subject: Vacant Buildings and Property Standards By-law 1-2002

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

The purpose of this report is to address the Safety and Facilities Services Committee Direction SF-23-10 (**Attachment 1**) relating to Section 8.1.4 of the City's Property Standards By-law 1-2002, as amended ("Property Standards By-law") respecting Vacant Buildings, its relation with a potential new Vacant Building and Land Registry By-law and associated legislative and legal options.

**Attachment 1** is the Safety and Facilities Services Direction SF-23-10 provided to staff at its meeting on March 20, 2023.

**Attachment 2** is report SF-23-10 "Vacant Building and Land Registry By-law" considered by the Safety and Facilities Committee at its March 20, 2023 meeting.

**Attachment 3** is an excerpt from the Property Standards By-law respecting the modernized standards for Vacant Buildings.

## **2.0 Recommendation**

That the Safety and Facilities Services Committee recommend to City Council:

That based on Report SF-23-17 dated April 19, 2023 concerning Vacant Buildings and Property Standards By-law 1-2002:

1. That the Safety and Facilities Services Committee select an appropriate option for the Vacant Building and Land Registry By-law as detailed in Section 5.3 of Report SF-23-10, appended as Attachment 2 to this report; and,

2. That Section 8.1.4 of Property Standards By-law 1-2002, as amended, be further amended to remove the reference to the twenty-four (24) month period and replace it with a twelve (12) month period.

### **3.0 Executive Summary**

Not applicable

### **4.0 Input From Other Sources**

- Facilities Management Services
- Legal Services

### **5.0 Analysis**

#### **5.1 Background**

At its March 20, 2023 meeting, the Safety and Facilities Services Committee (“Committee”) considered Report SF-23-10 (**Attachment 2**) which addressed Item #27 in the Community Safety, Security and Well-Being in Oshawa’s Downtown Area Action Plan (CNCL-21-72):

“Investigate the establishment of a vacant buildings registry to track vacant buildings as they can affect the character of a neighborhood and can have a negative effect on property values, and detract from future investments.”

Committee subsequently referred the report back to staff to provide additional information regarding the City’s Property Standards By-law and its standards respecting vacant buildings and its relation with a potential new Vacant Building and Land Registry By-law and associated legislative and legal options (**Attachment 1**).

#### **5.1.1 Property Standards By-law 1-2002, Building Code Act, 1992 and Standards related to Vacant Buildings**

The Property Standards By-law prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands and is established pursuant to the provincial Building Code Act, 1992, S.O. 1992, c. 23 (“Building Code Act, 1992” or “the Act”). In addition to other building and property standards, the Property Standards By-law is the City’s main regulatory tool used to address vacant buildings that are in a state of disrepair and/or maintenance.

The City undertook a modernization review of the Property Standards By-law from 2019 to 2021, which resulted in a comprehensive update of the Property Standards By-law with the passing of By-law 136-2021 by City Council at its meeting on November 22, 2021. Prior to this, City Council approved By-law 90-2020 (see **Attachment 3**).

The Building Code Act, 1992 is the enabling legislation that permits municipalities to establish property standards by-laws. The Building Code Act, 1992 not only grants the authority to pass a property standards by-law, but also legislates administrative requirements related to the inspection process, order contents and issuance processes, order appeal processes, emergency orders, etc.

For example, the Building Code Act, 1992 requires that a property owner be given fourteen (14) days from the date of receiving a Property Standards Order (“Order”) issued under Section 15.2 of the Act to register an appeal related to the Order. As such, when an Order under this Section is issued, Municipal Law Enforcement Officers (“Officers”) must give a minimum of fourteen (14) days for compliance. It should be noted that additional timelines may apply (e.g. If an Order is served by registered mail, additional time must be given to ensure service, typically five (5) days).

### **5.1.2 Property Standards and Remedial Process**

The City receives complaints of alleged Property Standards By-law violations and assigns them to Officers who conduct inspections. If required, Officers use the appropriate compliance tool (e.g. education, issuance of an Order, or Administrative Monetary Penalties (A.M.P.)) and conduct a follow-up inspection. If the property owner complies with the Order, the file is closed. If compliance is not achieved, the City will proceed with the appropriate compliance tool prescribed by the Building Code Act, 1992 such as:

- a) the issuance of an A.M.P.;
- b) commencing a proceeding under the Provincial Offences Act, R.S.O. 1990, c. P. 33 (“Provincial Offences Act”) for failing to comply with the Order (e.g. Part III proceeding); or,
- c) Causing the property to be repaired or demolished at the owner’s expense.

It is important to note that the remedial and appeal processes are all legislated and set out in the Building Code Act, 1992. Property owners in receipt of an Order have the ability to appeal the Order to the City’s Property Standards Committee and, if they are not satisfied with the Property Standards Committee’s decision, then they may appeal to the Superior Court of Justice. An appeal of the Order acts as a stay of the Order and both the Property Standards Committee and the Superior Court of Justice have the ability to confirm, rescind, extend or modify the Order.

For the majority of cases, the City is able to achieve compliance without having to utilize more significant compliance tools. For instance, between 2015 and 2020 only twenty-seven (27) appeals have been considered by the Property Standards Committee and approximately fifty-five (55) out of a total 5,968 Property Standards Orders proceeded to a Part III proceeding.

### **5.1.3 Current Property Standards By-law Process for Vacant Buildings**

Upon receipt of a Property Standards By-law complaint or through the course of proactive investigations for a vacant building, the City typically undertakes the following process:

- a) An Officer conducts a site inspection to confirm whether there is a contravention of the City's Property Standards By-law.
- b) If there is a contravention, the Officer attempts to contact the property owner and issues an Order outlining the particulars the property owner must undertake to bring the property into compliance.
- c) The property owner may appeal the Order to the City's Property Standards Committee and subsequently to the Superior Court of Justice if they are not satisfied with the Property Standards Committee's decision. An appeal of the Order acts as a stay of the Order and both the Property Standards Committee and the Superior Court of Justice have the ability to confirm, rescind, extend or modify the Order.
- d) If the Order is confirmed and compliance is not achieved the Officer may:
  - o issue an A.M.P for failing to comply with the Order;
  - o commence a proceeding under the Provincial Offences Act, R.S.O. 1990, c. P. 33 ("Provincial Offences Act") for failing to comply with the Order (e.g. Part III proceeding); and/or,
  - o Undertake corrective work at the property owner's expense to secure the vacant building (e.g. boarding up the openings, installing temporary security fencing, etc.).
- e) Upon the conclusion of the twenty-four (24) month period as detailed in S. 8.1.4 of the Property Standards By-law, the City may undertake remedial work to repair the vacant building to a useable condition or have the vacant building demolished and causing the property to be cleared of debris and graded to a leveled condition.

Notwithstanding the above, in situations where there is an imminent life-safety issue, the City may undertake emergency remedial work pursuant to the Building Code Act, 1992 that may include demolition of a property to mitigate the imminent life-safety issue.

It is important to note that since 2002, staff are only aware of two (2) instances where the City has undertaken a Property Standards By-law remedial process which resulted in a vacant building being demolished. When properties are damaged by fire, Municipal Law Enforcement Services is notified and Officers ensure that the property is secured and proactively monitor the fire-damaged buildings to ensure compliance with the City's Property Standards By-law.

## **5.2 Property Standards By-law and Twenty-Four (24) Month Timeframe**

This section addresses the following Committee direction:

**“A new abridged timeframe for demolition, (Currently 24 months). Staff are to report to committee on a new 12 month timeframe. If 24 months is statutorily set, any and all options to engage other levels of government to discuss proposals for adjustments”**



Section 8.1.4 establishes a twenty-four (24) month timeframe in which a boarded up property must be either repaired to a useable condition **or** demolished. Section 8.1.4 is detailed as follows:

“Despite Article 8.1.3, the Owner of any Property on which is situate a Building, or part thereof, that does not possess Heritage Attributes and is boarded up for a period exceeding 24 months shall either Repair the Building and bring it into conformity with the Standards rendering the Building in a useable condition, or shall clear the Property of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.”

The twenty-four (24) month period was initially established when the Property Standards By-law was approved by Council on January 14, 2002. The rationale behind this timeframe was to account for a potentially longer period of time where a property owner may be seeking a resolution with their insurance provider for a claim resulting from significant damage to a building (e.g. fire damage) while the vacant building was made secure and free of hazards through the initial Property Standards Order.

It is important to reiterate that in situations where there is an imminent life-safety issue, the City may undertake emergency remedial work pursuant to the Building Code Act, 1992 that may include demolition of a property to mitigate the imminent life-safety issue.

Staff reviewed the Building Code Act, 1992 and other legislation and have determined that the twenty-four (24) month period is not statutorily established pursuant to legislated requirements and therefore can be amended as appropriate. Accordingly, it is recommended that the twenty-four (24) month period established in Section 8.1.4 be reduced to twelve (12) months for the following reasons:

- The timeframe achieves balance in that it provides an appropriate duration of time for the property owner to consider their options with respect to the vacant and boarded up property.
- The timeframe would be consistent with similar provisions/processes in other municipalities' property standards by-law including, but not limited to the City of Hamilton and the City of Pickering.

### **5.3 Expediting Orders for Demolition: Logistics and Legal Implications**

This section addresses the following Committee direction:

**“Once the timeframe for compliance of the by-law has been breached, staff are to report on all the logistic and legal ramifications to expedite an order for demolition”**

Per Section 8.1.4 of the Property Standards By-law, following twenty-four (24) months of the initial confirmed order (e.g. appeal processes and timeframes exhausted) to secure the vacant building the City is authorized under the Building Code Act, 1992 to either repair the vacant property to a useable condition or demolish it, clear the lot of debris, and grade the property to a leveled condition. In such an instance, Municipal Law Enforcement Services

would work with Facilities Management Services (F.M.S.) to retain contractors to undertake the necessary remedial work (i.e. repair or demolish). F.M.S., remedial processes would be as follows:

- a) Ensure the services (i.e. utilities) are disconnected and the property is secured.
- b) Undertake a remediation/abatement scan to identify safety and environmental hazards (e.g. structural integrity/asbestos) at the vacant property.
- c) Once the contractor has been retained, the third-party contractor would undertake remedial work on behalf of the City.
- d) The property owner would be subsequently invoiced for the cost of the remediation or the cost of the remediation would be added onto the property's tax roll and collected the same way as municipal taxes.

The timing of the remedial work varies on a case-by-case basis and entirely dependent on the scale and the scope of the work required. Notwithstanding this and for illustrative purposes, staff estimate that following the confirmation of an Order and the conclusion of the twenty-four (24) period, the demolition of a vacant single-detached dwelling house may take approximately two (2) weeks to complete.

In addition to the logistical implications of remediating a vacant property, the City may be subject to the following legal implications:

- A decision by City staff to undertake remedial action (e.g. repair **or** demolish) should be cautiously considered on a case-by-case basis. Additionally the City should ensure that all appropriate processes legislated under the Building Code Act, 1992 are first completed and subject to the City's satisfaction before undertaking any remedial action.
- The decision to demolish a vacant property should be considered sparingly and on a case-by-case basis. Failure to appropriately follow the legislated processes established in the Building Code Act, 1992 and/or a demolishing a vacant building that has already been secured and in a good state without needing remedial work may create significant risks for the City as such actions may result in legal claims against the City and, if successful, result in significant damages and legal costs against the City.

#### **5.4 P.S.B., Vacant Buildings and Demolition**

This section addresses the following Committee direction:

**“The current by-law 8.1.4., orders the property owner to commence demolition on their own, with no specific timeframe. Staff are to report on all ramifications of the City assuming control of the demolition with costs of such work levied on the infracting property owner.”**

As detailed in Section 5.3, the timing of remedial work (repair **or** demolition) will vary based on the scale and scope of work required. Accordingly, other than the established twenty-four (24) month timeframe in Section 8.1.4 of the Property Standards By-law, there is no specific timeframe for completing the remedial work as this is established based on the project parameters. The City may either undertake remedial work using its contractors or establish a reasonable and specific timeframe with the property owner to ensure that all corrective work (repair **or** demolition) is completed in a timely manner. In certain instances, it may be more cost effective for the property owner to undertake the remedial work; nevertheless, the City would continue to ensure that appropriate progress is made and that the property is brought into compliance in a timely manner. If the remedial work is undertaken by the City, all associated costs are invoiced to the property owner or subsequently placed on the property tax roll and collecting in the same manner as municipal taxes. All logistical and legal implications of the City assuming control of the remedial work are detailed in Section 5.3.

### **5.5 Potential Vacant Building and Land Registry By-law and Establishing a Demolition Timeline**

This section addresses the following Committee Direction:

**“Staff are to report on the advisability of including a demolition timeline in the newly proposed vacant buildings registry.”**

Property Standards files are investigated on a case-by-case basis as each file presents its own unique elements. The standards related to vacant buildings and the remedial process under a potential new Vacant Building and Land Registry By-law (detailed in report SF-23-10) would be those that are established in the City’s Property Standards By-law. This is because the Vacant Building and Land Registry By-law establishes a requirement to register a vacant building or land and establishes a regular full-cost recovery inspection system which ensures that such properties continue to comply with the Property Standards By-law. Given that each project differs in scope and scale, it may not be possible to establish a standard timeline for remedial work (repair **or** demolition) to be completed. Furthermore, as stated in Section 5.3, demolishing a vacant building that is secured and in a good state not requiring remedial work is not the general intent of the registry or bylaw.

### **6.0 Financial Implications**

The financial implications related to Options “A” and “B” are detailed in Section 6.0 of report SF-23-10 (**Attachment 2**).

## 7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report responds to the Oshawa Strategic Plan Goals of Accountable Leadership, Social Equity and Cultural Vitality.



Phil Lyon, Director,  
Municipal Law Enforcement and Licensing Services



Tracy Adams, Chief Administrative Officer,  
Office of the C.A.O.

**Excerpts from the Minutes of the Safety and Facilities Services Committee Meeting held on March 20, 2023**

That this item be referred back to Staff to report on the legislative and legal options to expand section 8.1.4 of the Property Standards Bylaw (Repair or Demolish Vacant Buildings) under the pretext of the establishment of a new vacant buildings registry. The amended report shall include detail about the following:

- a) A new abridged timeframe for demolition, (Currently 24 months). Staff are to report to committee on a new 12 month timeframe. If 24 months is statutorily set, any and all options to engage other levels of government to discuss proposals for adjustments.
- b) Once the timeframe for compliance of the by-law has been breached, staff are to report on all the logistic and legal ramifications to expedite an order for demolition.
- c) The current bylaw 8.1.4., orders the property owner to commence demolition on their own, with no specific timeframe. Staff are to report on all ramifications of the City assuming control of the demolition with costs of such work levied on the infracting property owner.
- d) Staff are to report on the advisability of including a demolition time line in the newly proposed vacant buildings registry.
- e) Staff to report by next meeting of the Safety and Facilities Services Meeting.



## Public Report

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To: Safety and Facilities Services Committee

From: Tracy Adams, Chief Administrative Officer,  
Office of the C.A.O.

Report Number: SF-23-10

Date of Report: March 15, 2023

Date of Meeting: March 20, 2023

Subject: Vacant Building and Land Registry By-law

Ward: All Wards

File: D-2200

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### 1.0 Purpose

The purpose of this report is to address Item #27 in the Community Safety, Security and Well-Being in Oshawa's Downtown Area Action Plan (CNCL-21-72):

“Investigate the establishment of a vacant buildings registry to track vacant buildings as they can affect the character of a neighbourhood and can have a negative effect on property values, and detract from future investments.”

### 2.0 Recommendation

That the Safety and Facilities Services Committee recommend to City Council:

That the Safety and Facilities Services Committee select an option detailed in Section 5.3 of Report SF-23-10 “Vacant Building and Land Registry By-law” dated March 15, 2023 and the option be endorsed by City Council.

### 3.0 Executive Summary

Not applicable

### 4.0 Input From Other Sources

#### 4.1 City Branches and External Stakeholders

The following City branches and external stakeholders were consulted as part of this review:

- Fire Services

- Legal Services
- Oshawa Public Utilities Corporation (O.P.U.C.)
- Region of Durham

#### **4.2 Vacant Building and Land Registry By-laws from Other Municipalities**

Staff reviewed the Vacant Building and Land Registry and related by-laws from the following municipalities as part of this review:

- Brantford
- Brampton
- Hamilton
- London
- Ottawa
- St. Catharines
- Welland
- Whitchurch-Stouffville

### **5.0 Analysis**

#### **5.1 Background**

In certain instances, vacant buildings can negatively impact the character of a neighbourhood by becoming dilapidated, hazardous, unsightly, as well as attracting pests and promoting unauthorized entry. These buildings have the potential to negatively affect the value of surrounding properties, detract from future investments, and become a health and safety hazard. Vacant building and land registry or permit by-laws allow municipalities to track vacant buildings and proactively address maintenance issues through scheduled inspections, as well as educate owners on all applicable vacant building standards while reducing risk to emergency services and the public.

The City of Oshawa (“the City”) does not currently have a vacant building and land registry or permit system, but Section 8.1 of [Property Standards By-law 1-2002](#), as amended (P.S.B.), establishes standards with respect to vacant buildings. The passing of amending By-law 90-2020 in October 2020 modernized these standards, including the introduction of standards related to heritage properties. Specific standards related to vacant buildings in the P.S.B. include:

- Protecting the building from risk of fire, break-ins, vandalism and other incidents
- Ensuring the building is free of garbage
- Ensuring services (water, electrical, gas) are all turned off and secure
- Establishing consistent standards for the boarding-up or closure of vacant buildings

Additionally, during the summer months, Municipal Law Enforcement Officers (M.L.E.O.) undertake proactive inspections to identify properties with long grass and weeds. Consequently these inspections can identify some vacant properties, but not all. Fire Services generally does not handle files related to vacant buildings, as the Fire

Protection and Prevention Act, 1997, S.O. 1997, c. 4 only has one section related to securing vacant buildings, which is also addressed in the P.S.B. The P.S.B. establishes more robust vacant building standards and provides M.L.E.O.s with more tools to address vacant building issues.

While there is no definition of “vacant” in the City’s P.S.B. a property is generally considered vacant when it is uninhabited, not meeting the minimum standards established in the City’s property related by-laws (e.g. P.S.B., Lot Maintenance, Boulevard), and/or has disconnected utilities (e.g. heat, electricity, gas, water).

### **5.1.1 Vacant Property Complaint History**

From 2017 to November 2022, staff received one hundred and thirty-six (136) Property Standards complaints that are related to vacant properties or houses, averaging twenty-three (23) of these complaints per year. Of the one hundred and thirty-six (136) complaints, sixty-one (61) had violations noted and were either closed with compliance or involved further enforcement action (e.g. court process). Ten (10) were duplicate files and nine (9) files were investigated and no violation was found. Vacant buildings that are found to have contravened the P.S.B. are frequently related to property maintenance, the presence of nuisance animals, unauthorized entry or inhabitation, safety, and generally negatively affecting the value of surrounding properties and image of the neighbourhood.

**Note:** These files are complaints only, and do not include situations where M.L.E.O. proactively came across properties while investigating other files.

## **5.2 Benchmarking**

In preparation of this report, staff conducted extensive benchmarking of municipalities that have vacant building by-laws. The results of the benchmarking are found in **Table 1**. These by-laws ensure that vacant buildings are proactively being monitored regularly either by municipal staff, the property owner, or by a person or company contracted by the owner. The intention is generally to hold property owners accountable for managing their vacant properties and to mitigate negative community impacts those vacant properties can cause, such as property standards and lot maintenance violations, and unauthorized access, among others.

The intention of a vacant building and land registry or permit system is to charge property owners a registration and annual renewal fee to have their building on a municipality’s registry and inspected regularly. After a certain amount of time (e.g. sixty (60) days) of sitting vacant, a building is required to be registered. Failure to register can result in Provincial Offences Act (P.O.A.) charges, or Administrative Monetary Penalties (A.M.P.s). Ottawa requires self-identification (i.e. self-reporting) by vacant property owners; however, other municipalities begin monitoring the period of vacancy once they receive a complaint about a vacant property, or when it has been identified by (but not limited to) city staff, police, or Fire Services.



**Table 1 - Vacant Building and Land Registry Benchmarking**

Municipality	Registration Time Frame	Fees	Inspection Frequency	By-law and Year	Penalties
Brantford	Sixty (60) consecutive days after becoming vacant	\$270 registration fee \$600 annual renewal fee	Inspected/monitored at least once a month by a person or company familiar and qualified with matter pertaining to the by-law	2016 - Vacant Building By-law 4-2016	Up to \$10,000 on a first conviction Up to \$25,000 on a subsequent conviction
Hamilton	Ninety (90) days after becoming vacant or within thirty (30) days after notice from the City	\$1,115 initial fee \$729 annual inspection fee	Property condition to be monitored every two (2) weeks M.L.E.O. proactively inspect vacant buildings at least 4 times a year	2017 – Hamilton Vacant Building Registry By-law No. 17-127	Up to \$10,000 on a first conviction Up to \$25,000 on a subsequent conviction
Ottawa	After being unoccupied for one-hundred and twenty (120) consecutive days	\$1,450 annual permit fee \$57 administrative fee Fee exemptions for certain circumstances	Property to be attended to at least once every fourteen (14) days by owner or agent	2022 – Vacant Property By-law 2022-197	\$500 - \$100,000 for each day
St. Catharines	After thirty (30) days of becoming vacant	\$350 one-time administrative fee \$800 annual registration fee	Property condition to be monitored every two (2) weeks	2022 – 2022-97 Vacant Building	P.O.A. Charges Penalties established in the City's Non-

Municipality	Registration Time Frame	Fees	Inspection Frequency	By-law and Year	Penalties
			Ongoing monitoring of the properties by by-law enforcement staff	Registry By-law	Parking AMPS By-law
Welland	After ninety (90) days of becoming vacant	\$200 registration fee \$282 inspection fee	Inspected/monitored at least once a month by a person or company familiar and qualified with matter pertaining to the by-law, and every six (6) months by an Officer.	2011 – Vacant Building Registry By-law 2011-64	\$400 A.M.P. Up to \$25,000 on a first conviction Up to \$50,000 on a subsequent conviction

Additionally, London, Brampton and Whitchurch-Stouffville have by-laws that establish similar standards to Oshawa’s P.S.B. (e.g. boarding or closing up, ensuring utilities are turned off), but do not establish a registry or permit system.

**5.2.1 Vacant Building Definitions**

Each by-law has a definition of a vacant building, including, but not limited to when a building is:

- Not being used or occupied
- Not protected from the elements, unauthorized entry, or wildlife
- In an unfinished or dilapidated condition
- Utilities have been discontinued or disconnected

These features of a vacant building definition would inform the definition Oshawa could use should Council direct staff to implement a vacant building and land registry by-law.

**5.2.2 Enforcement and Application of By-laws**

Staff spoke with each municipality to learn additional information including enforcement practices regarding each by-law, and learned the following:

### **Brantford**

- No additional staff were added to administer the program resulting in a low level of compliance (e.g. less than five (5) registered buildings).
- Without A.M.P.s in their by-law they have a difficult time penalizing violators, as a Part 3 P.O.A. charge may be unnecessary for someone who is not complying with the by-law.
- They have an internal vacant building list and their M.L.E.O.s ensures they are boarded up, not vandalized, etc.

### **Hamilton**

- Two dedicated “Vacant Building Officers” are assigned to this program in order to administer four (4) inspections per year to each registered building.
- More than three hundred (300) vacant buildings are registered with Hamilton.

### **Ottawa**

- The program launched in November 2022.
- Two Property Standards Officers are assigned to this program, with the intent of funding these positions from the program’s permit fees.
- Ottawa had 216 known vacant properties in 2021. However, the permitting system only launched in November 2022, so this number is not indicative of the number of permits currently issued.
- The by-law includes exemptions for certain circumstances (e.g. vacation properties and primary residences of “snowbirds” and travelling workers), as well as considerations for fee exemptions on “compassionate grounds”, specifically in cases where a property owner has passed away or is in care, or where vacancy relates to damage from a catastrophic event that has occurred.

### **St. Catharines**

- The by-law was passed in May 2022 and the program is still scaling up.
- St. Catharines City Council was advised that after fifty (50) vacant buildings were registered, the City would be requesting a full-time equivalent (F.T.E.) By-law Officer to support the program’s enforcement.

### **Welland**

- The level of compliance associated with the program does not warrant additional staff, making the registry difficult to utilize to its full potential.
- Welland is considering a stand-alone Municipal Act by-law with vacant building regulations similar to the Oshawa’s P.S.B. to enforce the boarding up of vacant properties, and other appropriate standards.

## **5.3 Proposed Options for a Vacant Building and Land Registry By-law**

Staff are presenting two (2) options for consideration, summarized in **Table 2**.

**Table 2 Proposed Policy Options**

	<b>Option A – Current Approach</b>	<b>Option B – New Vacant Building and Land Registry By-law</b>
<b>Summary</b>	<ul style="list-style-type: none"> <li>Continue to manage vacant building issues through current City By-laws Utilize the P.S.B., Lot Maintenance By-law, and Boulevard By-law to enforce vacant building standards,</li> <li>Address through complaints and/or undertake periodic proactive enforcement projects</li> </ul>	<ul style="list-style-type: none"> <li>Create and implement a Vacant Building and Land Registry By-law</li> <li>Develop a registration system of vacant buildings and land where owners pay a registration fee and receive an inspection upon registration and renewal</li> <li>Municipal Law Enforcement staff will administer the inspections associated with the program. Fire Services will be notified of all locations identified</li> <li>Exemptions to be included for certain vacancies and conditions, similar to the City of Ottawa (see Section 5.2.2)</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>M.L.E. receives about twenty-three (23) complaints a year related to vacant properties, which the current complement of M.L.E.O.s can accommodate</li> <li>M.L.E.O.s have a number of effective compliance tools to use for vacant building and land issues</li> <li>Provides clear expectations to owners on how to ensure their vacant properties are in compliance with City By-laws</li> <li>Helps to ensure vacant properties are meeting all applicable standards</li> <li>Violations can be quickly addressed by Officers after inspections</li> <li>Safety and risk reduction to Emergency Services (Fire, Police, and Emergency Medical Service) and public</li> </ul>	<ul style="list-style-type: none"> <li>Proactive inspections, relying less on complaints to address vacant building and land issues</li> <li>Provides clear expectations to owners on how to ensure their vacant properties are in compliance with City By-laws</li> <li>Helps to ensure registered vacant properties are meeting all applicable standards</li> <li>Violations can be quickly addressed by Officers after inspections</li> <li>Safety and risk reduction to Emergency Services (Fire, Police, and Emergency Medical Service) and public</li> </ul>
<b>Detractors</b>	<ul style="list-style-type: none"> <li>Reactive approach to addressing vacant property related issues</li> </ul>	<ul style="list-style-type: none"> <li>Proactive identification of vacant properties may be required to achieve high level of compliance</li> <li>Requires additional staff to administer and inspect</li> <li>Will take approximately three (3) to six (6) months to implement</li> </ul>

### **5.3.1 Potential Number of Vacant Buildings**

Staff engaged the Oshawa Power and Utilities Corporation (O.P.U.C.) and the Region of Durham's Water billing department in August 2022 to help determine the number of vacant buildings in Oshawa. Staff received a "snapshot" of data from both organizations, both of which estimated approximately three hundred and twenty (320) vacant buildings in Oshawa. This includes residential, commercial, and industrial buildings. Their estimate at the time of the query is based on their general familiarity of local vacant buildings, utility disconnection statistics, and/or identifying buildings which consume well below the normal and/or minimal amounts of utilities (e.g. less than one (1) cubic metre of water per month). At this time, staff is unable to confirm ownership details (e.g. local ownership or not), however there may be an opportunity to obtain this information at a later date by leveraging privacy legislation if a Vacant Building and Land Registry By-law were to be enacted.

### **5.3.2 Option "A": Continue to manage vacant building issues through current City By-laws**

If Option "A" is selected, Oshawa will continue to manage vacant buildings through the P.S.B., the Lot Maintenance By-law and the Boulevard By-law.

If Committee were to choose this option, the following recommendation should be passed:

That the Safety and Facilities Services Committee recommend to City Council:

That staff be directed to continue to enforce existing standards for vacant buildings through the Property Standards By-law 1-2002, as amended, Lot Maintenance By-law 127-2007, as amended, and Boulevard By-law 136-2006, as amended, as detailed in Section 5.3.2 of Report SF-23-10 "Vacant Building and Land Registry By-law", dated March 15, 2023.

### **5.3.3 Option "B": Implement a Vacant Building and Land Registry By-law**

If Option "B" is selected, a Vacant Building and Land Registry By-law will be created. This by-law, established under the Municipal Act, would establish a registry of all vacant buildings and land (e.g. residential, industrial, etc.) where owners pay a registration fee and a scheduled annual inspection fee which support the cost for the City to manage public concerns that arise from the vacant buildings and land and to promote the application of health and safety standards. Registered building and land owners would receive one (1) inspection per year from the City. Furthermore, this by-law will:

- Establish a proactive system of compliance (including tiered and escalating Administrative Monetary Penalties);
- Include exemptions for vacancies similar to those found in the City of Ottawa's Vacant Property By-law (see Section 5.2.2; e.g. vacation properties, primary residences of those who travel for extended periods of time, etc.); and,
- Complement the existing vacant building standards found in the P.S.B., Lot Maintenance By-law, and Boulevard By-law.

**Staffing and Resource Implications:**

Based on current estimates, a Vacant Building and Land Registry By-law will require approximately seven hundred (700) additional staff hours related to inspection, administration, and enforcement. Accordingly, if Option “B” is approved, one (1) additional regular part-time M.L.E.O. would be required to support the program. The inclusion of one additional licensing and standards examiner who would be responsible for the administration of the registration is currently contemplated for the inclusion in the 2024 budget process pursuant to the City’s [CNCL-21-92 Strategic Workforce Planning: 2020-2025 Staff Resourcing Forecast](#).

**Registration Fees:**

In order to ensure full cost recovery for the program based on the time the M.L.E.O. would spend administering the program, the registration fee for the program will be two-hundred fifty dollars (\$250) per year, renewed annually. Notwithstanding this, staffing needs would continually be reevaluated based on the program’s requirements, workload, and the number of registered buildings.

**Estimated Implementation:**

Option “B” would take approximately three (3) to six (6) months to implement, and would include the following steps:

- By-law drafting (with Legal Services)
- Program development
- Staff training
- Communication and program launch

It is important to note that the hiring of an additional regular part-time M.L.E.O. would not be undertaken until Q1 2024 per the 2024 budget process. In the interim, existing staffing resources would be re-allocated to implement the Vacant Building and Land Registry By-law with the goal of fully implementing the program in Q2 2024 with the introduction of the additional enforcement resource.

If Committee were to choose this option, the following motion should be passed:

That the Safety and Facilities Services Committee recommend to City Council:

1. That Council approve a Vacant Buildings and Land Registry By-law and amend the General Fees and Charges By-law 13-2002, as amended, in the form of Option “B”: Implement a Vacant Building Registry and Land By-law as detailed in Section 5.3.3 of Report SF-23-10 “Vacant Building and Land Registry By-law”, dated March 15, 2023, and in a form and content acceptable to the Chief Administrative Officer and Legal Services;
2. That the one (1) additional regular part-time Municipal Law Enforcement Officer position be presented to Council when appropriate through future budget

submissions as part of the City's regular budget planning process or separate reports as appropriate; and,

3. That the requirements of Notice By-law 147-2007 regarding notice to the public for amendments to the General Fees and Charges By-law 13-2003, as amended, be waived.

## **6.0 Financial Implications**

Should Option "A" be selected, there would be no new financial implications.

Should Option "B" be selected, the approximate cost of one regular part-time M.L.E.O. to administer the Vacant Building and Land Registry will be recovered by the annual registration fee of two hundred fifty dollars (\$250).

## **7.0 Relationship to the Oshawa Strategic Plan**

The recommendations in this report responds to the Oshawa Strategic Plan Goals of:

- 4.2 Accountable Leadership
- 4.3 Social Equity
- 4.4 Cultural Vitality



Phil Lyon, Director,  
Municipal Law Enforcement and Licensing Services



Tracy Adams, Chief Administrative Officer,  
Office of the C.A.O.

- (a) the name, address and telephone number of the current manager or the Person responsible for the Property, and
- (b) the name and telephone number of an authorized Person to contact in case of an emergency on a 24 hour basis
- (c) to be posted in a prominent place on or in the Apartment Building that is common to or regularly frequented by the residents therein.

## **Section 8 Vacant Buildings**

### **8.1 Vacant Buildings**

#### **Protection**

8.1.1 The Owner of any vacant Building or other vacant Property shall protect the Building or vacant Property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized Persons.

#### **Cleared of Garbage and Services Turned Off**

8.1.2 Vacant Buildings, including vacated fire damaged Buildings, shall be kept cleared of all garbage, rubbish, flammable substances and debris and shall have all water, electrical and gas services turned off except for any such service that is required for the security and maintenance of the Property.

#### **Boarding Up Vacant Buildings**

8.1.3 Vacant Buildings shall be demolished or boarded up and maintained securely in a suitable manner that may include the following:

- (a) Lock all doors and windows.
- (b) Ensure on-going maintenance.
- (c) Close all basement hatches, openings, walkways and windows.
- (d) Install wood boards covering all openings through which entry may be obtained with the following characteristics:
  - a. At least 12.7 mm (0.5 inches) thick and weatherproof
  - b. Installed from the exterior and interior and fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim and cladding remains uncovered and undamaged by the boarding
  - c. Fastened securely in a manner that minimizes damage
  - d. All boards used shall be painted
    - i. In the case of boards located in a window or door opening, black
    - ii. In the case of all other boards, painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- (e) Temporary metal security fencing around the perimeter. The fence must be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high security pad locks. (90-2020)

#### **Repair or Demolish Vacant Buildings**

8.1.4 Despite Article 8.1.3, the Owner of any Property on which is situate a Building, or part thereof, that does not possess Heritage Attributes and is boarded up for a period exceeding 24 months shall either Repair the Building and bring it into conformity with the