

## **THE CORPORATION OF THE TOWNSHIP OF MELANCTHON**

### **BY-LAW NUMBER -2009**

#### **Melancthon Residential Demolition Control By-law**

WHEREAS section 33 of the Planning Act, R.S.O. 1990, c. P.13, provides that a municipality may by by-law designate any area within the municipality as a demolition control area when a property standards by-law under section 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23, is in force in that area;

AND WHEREAS By-law No. 46-2001, being “The Property Standards By-law”, was enacted on December 6th, 2001 and is in force in the Township of Melancthon;

AND WHEREAS under subsections 33(3) and 33(6) of the Planning Act, R.S.O. 1990, c. P.13, the Council of the Township of Melancthon may issue or refuse to issue a permit for the demolition of a residential property in an area of demolition control;

AND WHEREAS planning considerations make it desirable to establish areas of demolition control within the Township of Melancthon;

AND WHEREAS the Township of Melancthon wishes to retain the existing stock of residential buildings in the Township;

AND WHEREAS upon enactment of the Demolition Control By-law no person shall demolish the whole or any part of any residential property in a demolition control area unless the person has been issued a demolition permit by the Council of the Township of Melancthon or is otherwise exempt from the requirement for a permit;

#### **NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF MELANCTHON BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:**

1. This By-law may be cited as the “Township of Melancthon Demolition Control Area By-law” or the “Melancthon Residential Demolition Control By-law”.

2. In this By-law:

“Township” means the geographical area of the Township of Melancthon or the municipal corporation as the context requires;

“Council” means the Township's Council;

“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; and

“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.

3. All of the lands within the boundaries of the Township are designated as a demolition control area.

4. This By-law does not apply where:
  - (a) the demolition of a part of the residential property does not reduce the number of dwelling units;
  - (b) demolition is to facilitate a development under an approved site plan, approved draft plan of subdivision, or approved draft plan of condominium;
  - (c) the residential property is a mobile home;
  - (d) the owner of the residential property has entered into a demolition agreement with the Township;
  - (e) the residential property is exempted under any federal or provincial statute or regulation;
  - (f) the residential building has been found to be unsafe under section 15.9 of the Building Code Act, 1992, as amended, and an order has been issued under that section; or
  - (g) the residential property is designated under the Ontario Heritage Act.
  
5. A demolition permit issued by the Council may be subject to conditions, including, but not limited to, the following:
  - (a) that the applicant for the demolition permit has applied for and received a building permit for a replacement building on the property;
  - (b) that the said building permit specifies that if the replacement building is not erected within two (2) years of the demolition of the existing building on the property, the Township be paid the sum of \$20,000 which sum:
    - (i) the Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
    - (ii) is a lien or charge on the property until paid;
  - (c) that the applicant for the demolition permit shall register on title to the property notice of conditions (a) and (b) in a form satisfactory to the Municipal Solicitor;
  - (d) the making of satisfactory arrangements for the relocation or other means of preservation of the existing building
  - (e) that, (if the residential property to be demolished is deemed to be of architectural merit and/or historical significance), the applicant for the permit, may be required to:
    - (i) provide photography and/or otherwise document the exterior and/or interior elements of existing residential property prior to demolition;
    - (ii) provide measured floor plan drawings of the residential property, and
    - (iii) salvage for reuse any significant architectural artifacts, as identified by the Township of Melancthon, or provide them to the Dufferin County Museum, if requested.
  
6. The application for a demolition permit shall be substantially in the form of Schedule "A".
  
7. The application fee for a demolition control permit pursuant to this by-law shall be \$185, payable to the Township, plus the permit fee otherwise applicable for the issuance of a demolition permit, payable to the County of Dufferin.

8. No person shall demolish a residential property, except in compliance with the provisions of this by-law.
9. No person, being the owner of residential property shall allow the demolition of the residential property, except in compliance with the provisions of this by-law.
10. Every person who demolishes a residential property, or any portion thereof, and every person who allows the demolition of a residential property in contravention of the provisions of this by-law 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 residential property, the whole or any portion of which residential property has been demolished.
11. This By-law comes into force on the date of its passing.

BY-LAW read first, second and third time and

PASSED IN OPEN COUNCIL THIS

17th day of December, 2009

Debbie Fawcett, Mayor

Denise B. Holmes, CAO/Clerk

**THE CORPORATION OF THE TOWNSHIP OF MELANCTHON**

**BY-LAW NUMBER -2009**

Schedule "A"

Residential Demolition Application Form

Date: \_\_\_\_\_ File No. \_\_\_\_\_  
Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Fax and e-mail: \_\_\_\_\_

Address of Property: \_\_\_\_\_  
Municipal Address \_\_\_\_\_ on the \_\_\_\_\_ side,  
between \_\_\_\_\_ and \_\_\_\_\_

If Corner Lot Indicate: N/E; N/W; S/E; S/W \_\_\_\_\_  
Official Plan Designation: \_\_\_\_\_ Zoning: \_\_\_\_\_  
Proposed Use of Property: \_\_\_\_\_

Property Description: \_\_\_\_\_  
Number of Storeys: \_\_\_\_\_ Number of Dwelling Units: \_\_\_\_\_  
Approx. Age of Building: \_\_\_\_\_ Number of Kitchens: \_\_\_\_\_  
Number of Bathrooms: \_\_\_\_\_

A photograph of each elevation of the subject building shall be provided in a minimum size of 5" X 7" and/or electronically in a pdf format.

Occupancy: \_\_\_\_\_  
Are the Residential Unit(s) currently occupied? \_\_\_\_\_  
If Yes - Number of Occupants \_\_\_\_\_ Date Building to be Vacant \_\_\_\_\_  
If No - Date of Last Occupancy \_\_\_\_\_

Extent of Demolition: \_\_\_\_\_

Reason for Proposed Demolition and Submissions to be considered by Council: \_\_\_\_\_

Declaration:  
I, the undersigned am the authorized owner/agent named \_\_\_\_\_ (please print name in full) in the above application and I certify the truth of all statements or representations contained therein.

Dated: \_\_\_\_\_  
(Owner/Agent) \_\_\_\_\_ Witness \_\_\_\_\_

Note: "ResidentialProperty" is defined in the Planning Act as "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".

Council Decision: \_\_\_\_\_

Date: \_\_\_\_\_ Clerk/CAO \_\_\_\_\_