



STAFF REPORT ACTION REQUIRED

Resolving Vacant-Derelict Properties – Framework and Consultation Plan

Date:	January 7, 2015
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2015\Cluster B\MLS\LS15002

SUMMARY

Vacant-derelict properties negatively impact neighbourhoods and individuals by becoming dilapidated, causing hazards, becoming unsightly, becoming infested with pests, attracting trespassers, impacting streetscapes and overall community standards.

The City, particularly the Municipal Licensing and Standards (ML&S) division, becomes involved on a regular basis with properties that have fallen into dereliction, and which are subject to repeated complaints from the neighbourhood in which they are impacting. The intent of this initiative is to develop a program that will provide tools and a process by which the City can manage and resolve the impacts of these properties.

The preliminary elements of this strategy include maintaining a list of derelict properties to be shared amongst other relevant City divisions, including emergency service responders, monitoring and inspecting those properties on a proactively scheduled and cost recovery basis to ensure neighbourhood impacts are mitigated, and developing long-term property specific resolution strategies. This initiative may also include increased authorities in the event that properties are not compliant, up to and including, the potential for demolition. This initiative will consider approaches and tools necessary to address residential, commercial and industrial vacant-derelict properties, as appropriate.

It is proposed that staff will commence public consultations on the proposed strategy in the second quarter of 2015. The findings of the research and consultation will form a final staff report, expected October 2015.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. Licensing and Standards Committee direct the Executive Director, Municipal Licensing and Standards, in consultation with the City Solicitor and other relevant City divisions, to report to the Licensing and Standards Committee meeting of October 19, 2015 with any by-law amendments required that would increase the City of Toronto's authorities to mitigate the impact of vacant-derelict properties.

Financial Impact

There are no financial impacts beyond what has already been approved in the current year's budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of March 29, 2012, Licensing and Standards Committee referred the item, Introduction of Vacant and Derelict Buildings By-law, to staff for a report back.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS12.5>

ISSUE BACKGROUND

Properties can become vacant for several different reasons which include family estate issues, financing issues, tenant vacancy or simply abandonment. Despite a property becoming vacant, it is expected that the required work is undertaken to ensure the property is maintained in accordance with the property standards by-law.

The City has dealt with instances where vacant-derelict properties are left unattended for prolonged periods of time, and have subsequently fallen into disrepair and become hazardous. Vacant properties, especially those that have fallen into disrepair and are typically referenced as derelict, have significant impacts on the communities around them.

Vacant and/or derelict properties in Toronto can pose dangers to the health and safety of any person. They can negatively impact neighbourhoods and individuals by becoming dilapidated, causing hazards, becoming unsightly, becoming infested with pests, attracting trespassers, impacting streetscapes and overall community standards.

Once a building becomes vacant-derelict, Toronto Municipal Code, Chapter 632, Property, Vacant or Hazardous requires that the owner ensure that the property is protected against the risk of fire, accident or other danger by ensuring unauthorized

people cannot enter the property. Typically, this is achieved through the locking of doors and boarding of windows, in order to make it difficult for people to enter the property.

If a building is left vacant for an extended period of time, it can become hazardous and may even fall subject to structural damage. If a property is deemed hazardous, additional requirements of Chapter 632 come into effect, such as after 90 days of vacancy, utilities are to be disconnected. Owners of hazardous properties, in addition to securing the building, must also erect fencing in an effort to increase safety.

Vacant-derelict properties must also continue to conform to the Fire Code for safety, Building Code for structural sufficiency, Toronto Municipal Code Chapter 629, Property Standards, and other relevant by-laws related to maintenance and esthetics.

Currently, if the City receives complaints about a vacant-derelict property, a Municipal Standards Officer is sent to investigate and may send notice to the owner indicating a failure to adhere to required regulations. If the owner does not comply with these regulations, the City of Toronto will issue an order. If an owner still does not comply, the City may undertake the necessary work, including: securing the building, maintaining the yard, removing waste and, if needed, ensuring the property is fenced. The cost of this work is recovered through the property tax roll.

COMMENTS

Although the City has some enforcement tools under Toronto Municipal Code, Chapters 632 and 629, vacant-derelict properties remain an issue in neighbourhoods across the city. Often, these properties can result in complaints to the City and local councillors, where issues are often complicated, such as those related to ownership and accountability, which can result in prolonged processes to resolve.

For these reasons, staff have been conducting research to understand the issues that cause properties to become vacant-derelict, the impacts of these properties and opportunities to mitigate and resolve these impacts. Through this research, staff have developed a framework to review the regulatory context of vacant-derelict properties and to develop a strategy to more effectively manage these properties in Toronto.

Goals of reviewing the regulatory context to address vacant-derelict properties

- Mitigate individual and community impacts arising from vacant properties
- Increase City authorities to more effectively manage vacant properties
- Recover City costs associated with ensuring properties comply with by-laws

Proposed Strategy to Manage Vacant Properties

Residential, commercial and industrial properties may become vacant-derelict for different reasons, and the impacts of this vacancy can differ based on former use and

zoning. As such, staff will be identifying which approaches and tools work best for each type of property as the strategy is further developed.

Elements of the strategy would include creating a process of monitoring and inspection that may escalate depending on length of vacancy, state of dereliction, or other factors, on a cost recovery basis to ensure neighbourhood impacts are mitigated. Further by providing the municipality with additional tools in the event that properties are not compliant, up to and including the potential for demolition permissions.

The proposed strategy may differentiate between residential, commercial and industrial properties, but will generally include the following framework.

1. Identification of Vacant-Derelict Properties

The proposed strategy will recommend a process to maintain a list of vacant-derelict properties. The manner by which this information will be disseminated is under consideration as it will be beneficial for other divisions, such as Toronto Fire Services, City Planning, Toronto Building and Economic Development and Culture to have access to the information.

2. Ongoing Review Process

Once a property is identified as vacant-derelict, it will be subject to a regular review process. As part of the review process, ML&S would determine the status of the property, determine frequency of inspections to ensure appropriate maintenance of the property, assess the overall condition of the property and review the efforts made to resolve the vacancy/dereliction.

3. Undertake Inspections on a Cost-Recovery Basis

Inspections will be conducted by Municipal Standards Officers to ensure the property is maintained, and may also be conducted in partnership with Toronto Fire Services and Toronto Building as required. Inspection fees would be applied and directly relate to the frequency and detailed nature of the inspections.

4. Enhanced City Intervention

A final component of the strategy may deploy additional enforcement tools where properties cause significant safety risks and/or community impacts. Staff are researching to determine what, if any, increased authorities may be required, up to and including the potential for demolition permissions and increased fines.

Ongoing Research and Consultation Plan

Staff will continue to research the issues and impacts of vacant-derelict properties and refine the details of the proposed strategy to manage these properties. It is expected that

staff will commence public consultations on the outcomes of this research and proposed strategy in the second quarter of 2015. The results of the research and consultations will form a final staff report on this issue, expected in October 2015. A three-phase work plan has been developed for the completion of this research and consultation.

Phase 1: Research and Issue Identification

Phase 1 is the continuation of research into the issues, impacts and potential regulatory and/or enforcement approaches to effectively manage vacant-derelict and abandoned buildings. Staff will be working inter-divisionally, conducting jurisdictional scans and investigating best practices. This research will define the scope and goals of the consultations.

Phase Duration: present– February 2015

Phase 2: Consultation

The public consultation process will include surveys, facilitated meetings, broad consultations and focussed consultations with stakeholders. The scope of the public consultations and engagement will include: neighbourhood impacts of vacant-derelict properties, ways to mitigate these impacts and potential long-term solutions.

Phase Duration: March – June 2015

Phase 3: Analysis and Report Back

Staff will analyze results of the research and consultation and make recommendations on possible by-law amendments and/or other regulatory or enforcement approaches in October 2015.

Phase Duration: July – October 2015

It is anticipated that a more proactive approach to managing vacant-derelict properties will aid in mitigating and addressing the more frequently raised community nuisance complaints before they become problematic, thereby improving overall community standards.

The fees to be applied for the inspection and re-inspection of these properties will assist in off-setting the cost of the City's resources currently being used to address these often repeated complaints.

Through regular inspections and sharing of building condition assessments, emergency service responders such as Toronto Fire Services, Toronto Police and Toronto Paramedic Services will be provided with important information regarding building conditions to assist in carrying out their responsibilities.

Lastly, with regularly engaged interaction between the City and property owners through ongoing review processes, the issuance of orders, execution of inspections, undertaking remedial action, and the application of inspection fees, it is anticipated that these efforts will encourage property owners to maintain their properties and/or dispose of them.

The ultimate goal of the management and enforcement strategy related to vacant-derelict properties is to develop and execute a resolution plan to move the property from community nuisance to community enhancement.

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SIGNATURE

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