

BY - LAW NUMBER -2017

A BY-LAW TO DESIGNATE AREAS
DEMOLITION CONTROL AREAS BEING
AREAS IN THE VICINITY OF TRADITIONAL
COMMERCIAL STREETS

Passed the day of , 2017.

WHEREAS Section 33 of the **Planning Act, R.S.O. 1990, c.P.13** as amended, provides when a by-law prescribing standards for the maintenance and occupancy of property under Section 15.1 of the **Building Code Act, 1992, S.O. 1992, c.23** or a predecessor thereof or under a Special Act is in force in a municipality, the council may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control;

AND WHEREAS Property Standards By-law 147-2011, passed the 6th day of September 2011, is a by-law to establish standards for the maintenance and occupancy of property in the City of Windsor;

AND WHEREAS it is deemed desirable to designate the residential areas in the vicinity of commercial streets as areas of demolition control;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. In this By-law,

“**City**” means The Corporation of the City of Windsor;

"**Clerk**" means the means the Clerk of The Corporation of the City of Windsor;

"**Council**" means the Council of The Corporation of the City of Windsor;

"**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;

"**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; residential property includes mixed-use buildings;

“**Schedules**” means Schedules “A” to “K”, both inclusive attached hereto and forming part of this by-law.

2.

(1) The shaded areas in the vicinity of Traditional Commercial Streets in the City of Windsor, delineated by a heavy black line in:

- Schedule “A” being University Avenue West, between Randolph Avenue to Salter Avenue
- Schedule “B” being Wyandotte Street West, between California Avenue to Campbell Avenue
- Schedule “C” being Ouellette Avenue, between Wyandotte Street and Tecumseh Road
- Schedule “D” being Tecumseh Road East, between Forest Avenue and Chilver Road,
- Schedule “E” being Tecumseh Road East, between Cadillac Street and Larkin Road, and between Westcott Road and Rossini Boulevard,
- Schedule “F” being Ottawa Street, between Marentette Avenue and Windermere Road
- Schedule “G” being Erie Street, between Mercer Street and Hall Avenue

- Schedule “H” being Wyandotte Street East, between McDougall and Gladstone Avenue,
- Schedule “I” being Wyandotte Street East, between Gladstone Avenue and Argyle Road, and Devonshire Road,
- Schedule “J” being Wyandotte Street East, between Arthur Street and Raymo Road,
- Schedule “K” being Wyandotte Street East, between Thompson Boulevard and Glidden Avenue,

attached hereto and forming part of this by-law, are hereby designated as a demolition control area.

- (2) Where a heavy black line subdivides a property identified on the Schedules, this By-law will only apply if a portion of any building on the subject property falls within the shaded areas.
- (3) Where parts of the Schedules overlap with Demolition Control By-laws 9198 and 11806, this By-law prevails.
3. No person shall demolish the whole or any part of any residential property in the demolition control area described in Section 2 hereof unless the person is the holder of a demolition permit issued by Council under the provisions of this by-law.
4. Where application is made to the Council for a permit to demolish residential property, the Council may issue the permit or refuse to issue the permit.
5. Despite Section 4 of this by-law, Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.
6. This By-law does not apply when:
 - a) an order to remove the residential property has been issued under the **Fire Protection and Prevention Act, 1997, S.O. 1997, c.4**
 - b) the residential property is listed on the Windsor Municipal Heritage Register and its demolition is subject to the **Ontario Heritage Act, R.S.O. 1990, c.O.18**
 - c) lands are zoned for a parking area or public parking area.
7. A demolition permit issued by Council may be subject to the following conditions:
 - a) that the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;
 - b) that, on failure to complete the new building within the time specified in the permit issued, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.
 - c) that notice of conditions in this section 7 be registered in the land registry office against the land to which it applies
8. Any person who has obtained a demolition permit, subject to the conditions referred to in Section 7, considers that it is not possible to complete the new building or redevelopment within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building or redevelopment has become not feasible on economic or other grounds, may apply to the Council for relief from the conditions on which the permit was issued by sending notice of application by registered mail to the Clerk not less than sixty (60) days before the time specified in the permit for the completion of the new building or redevelopment.
9. In the application to Council for relief as described in Section 8, the applicant shall demonstrate that it is not feasible to complete the proposed new building or redevelopment within the specified time.

10. Any person who contravenes Section 3 of this by-law is guilty of an offence and shall, upon conviction, forfeit and pay a penalty of not more than Fifty Thousand Dollars (\$50,000.00) for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished, pursuant to the **Provincial Offences Act**.
11. This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKINS, MAYOR

CITY CLERK

First Reading - , 2017
Second Reading - , 2017
Third Reading - , 2017

DETROIT RIVER




SCHEDULE A : DEMOLITION CONTROL BY-LAW
UNIVERSITY AVENUE WEST



DEMOLITION CONTROL BY-LAW BOUNDARY AREA



PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW

1:7,500 
 JUNE 2017



SCHEDULE B : DEMOLITION CONTROL BY-LAW

WYANDOTTE STREET WEST



DEMOLITION CONTROL BY-LAW BOUNDARY AREA



PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW



1:7,500

JUNE 2017







SCHEDULE C : DEMOLITION CONTROL BY-LAW
OUELLETTE AVENUE

-  DEMOLITION CONTROL BY-LAW BOUNDARY AREA
-  PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW



SCHEDULE D : DEMOLITION CONTROL BY-LAW
TECUMSEH ROAD EAST

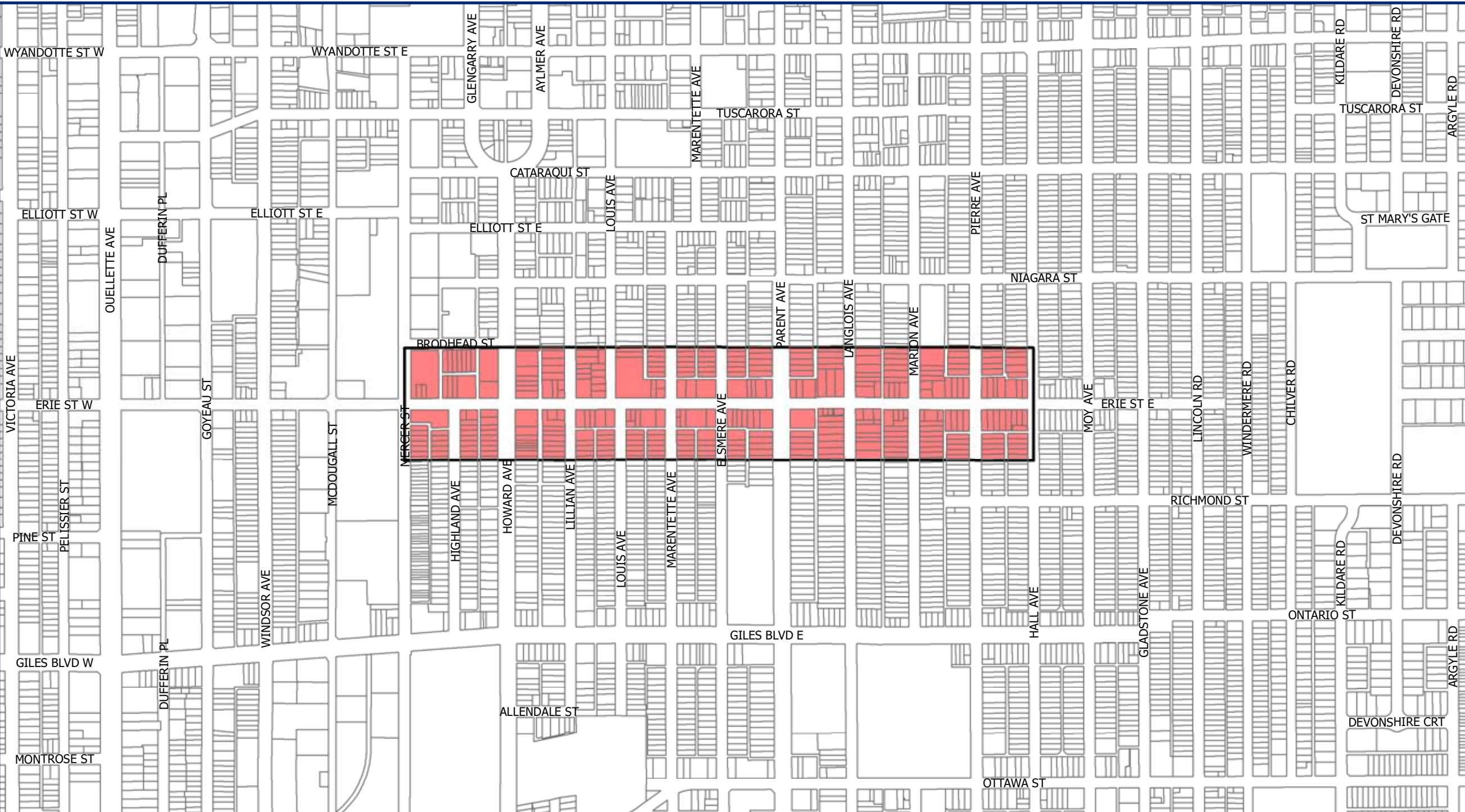
-  DEMOLITION CONTROL BY-LAW BOUNDARY AREA
-  PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW





SCHEDULE E : DEMOLITION CONTROL BY-LAW
TECUMSEH ROAD EAST

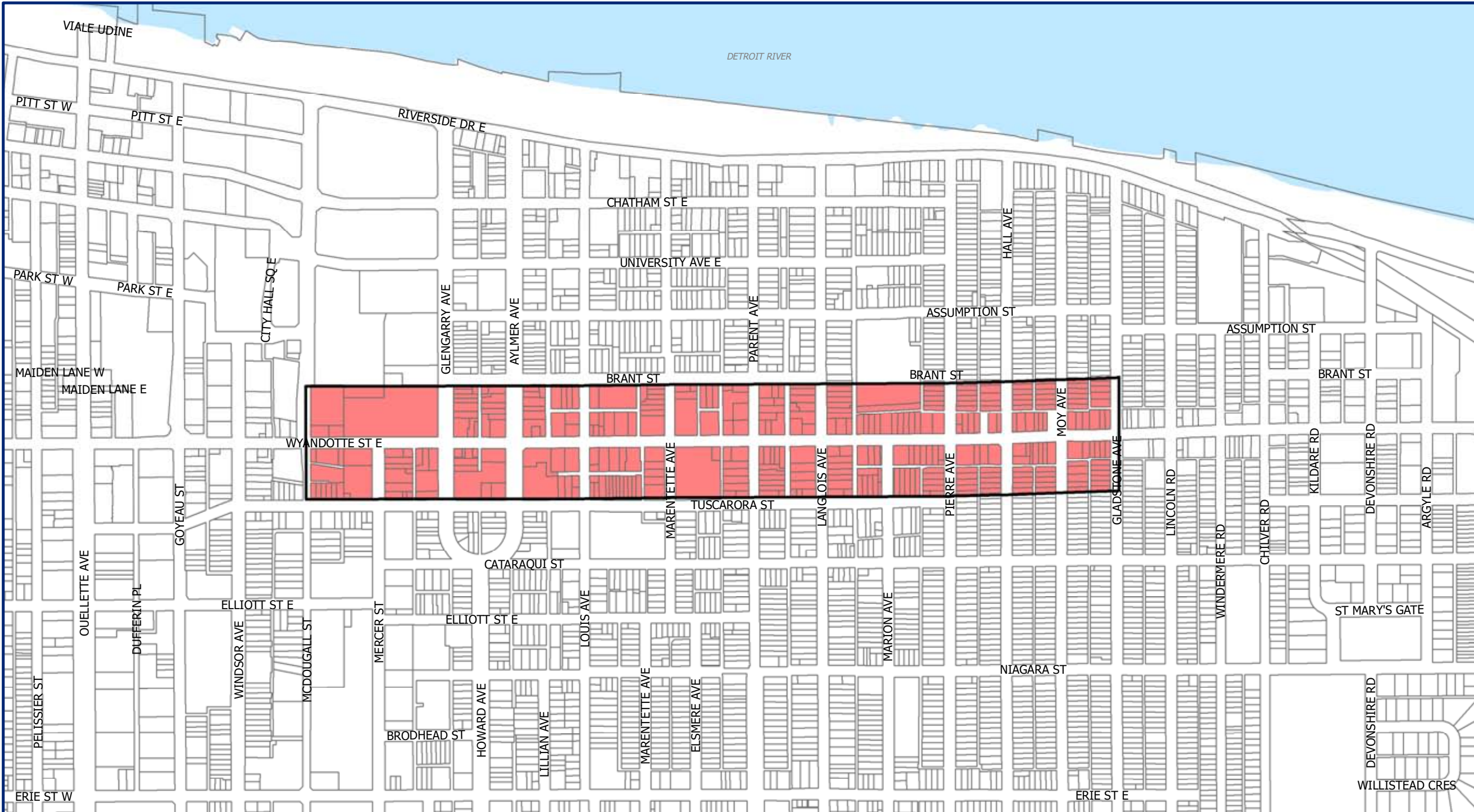


DEMOLITION CONTROL BY-LAW BOUNDARY AREA
 PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW





SCHEDULE G : DEMOLITION CONTROL BY-LAW
ERIE STREET EAST

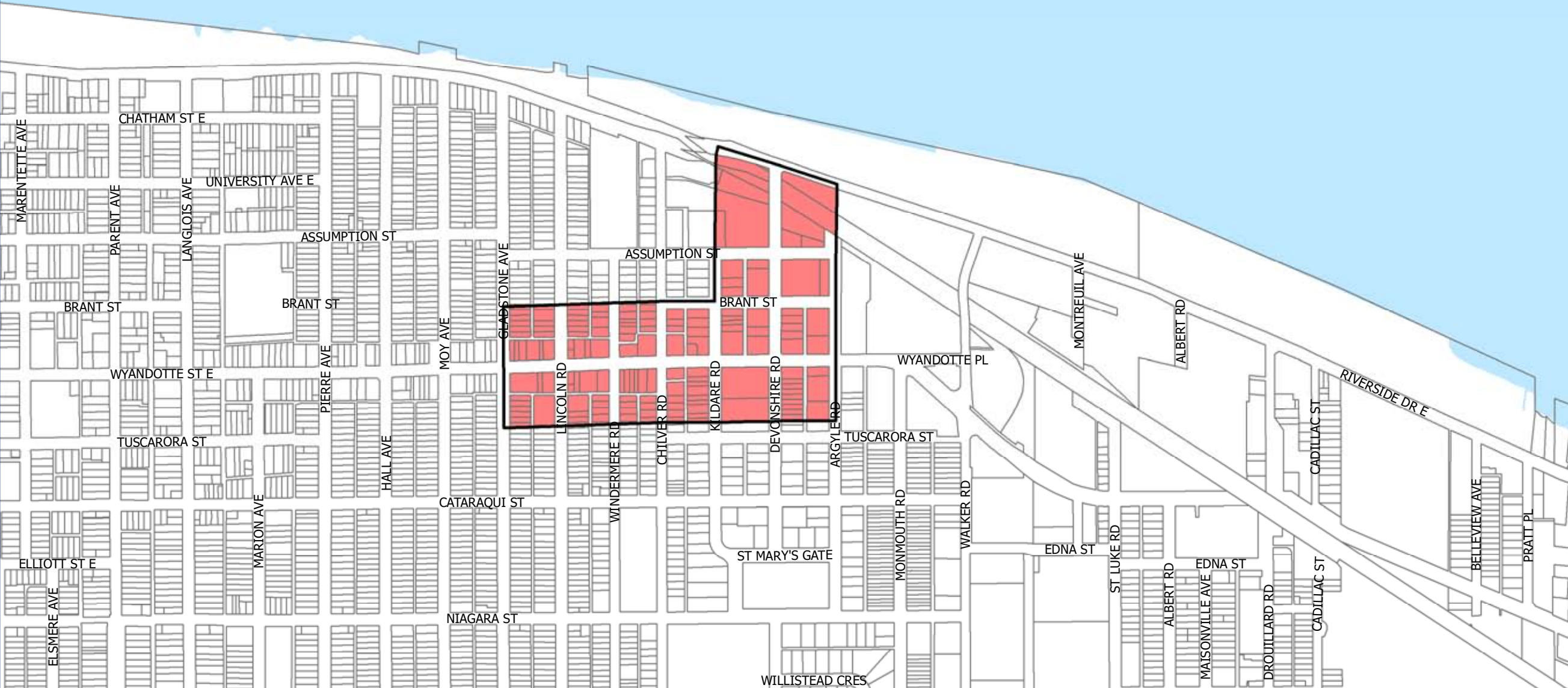
-  DEMOLITION CONTROL BY-LAW BOUNDARY AREA
-  PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW



SCHEDULE H : DEMOLITION CONTROL BY-LAW
WYANDOTTE STREET EAST

-  DEMOLITION CONTROL BY-LAW BOUNDARY AREA
-  PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW

DETROIT RIVER



SCHEDULE I : DEMOLITION CONTROL BY-LAW
WYANDOTTE STREET EAST / DEVONSHIRE ROAD



DEMOLITION CONTROL BY-LAW BOUNDARY AREA
 PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW



DETROIT RIVER

SCHEDULE J : DEMOLITION CONTROL BY-LAW

WYANDOTTE STREET EAST



DEMOLITION CONTROL BY-LAW BOUNDARY AREA



PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW



1:7,500



JUNE 2017



SCHEDULE K : DEMOLITION CONTROL BY-LAW
WYANDOTTE STREET EAST

-  DEMOLITION CONTROL BY-LAW BOUNDARY AREA
-  PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW