



1994

c Pr57 York (City of) Act, 1994 (No. 2)

Ontario

© Queen's Printer for Ontario, 1994

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

York (City of) Act, 1994 (No. 2), SO 1994, c Pr57

Repository Citation

Ontario (1994) "c Pr57 York (City of) Act, 1994 (No. 2)," *Ontario: Annual Statutes*: Vol. 1994, Article 99.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1994/iss1/99

CHAPTER Pr57

An Act respecting the City of York

Assented to December 9, 1994

Preamble The Corporation of the City of York has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions 1. In this Act,

"beautification of the land" means walls, hedges, trees, shrub or other ground cover or facilities for the landscaping of land or the untravelled portion of the street adjacent to the land;

"clerk" means the clerk of the Corporation;

"Corporation" means The Corporation of the City of York.

By-law establishing demolition control area 2. (1) If a by-law under section 31 of the Planning Act is in force in the municipality, the council of the Corporation may by by-law designate any area within the municipality to which a standards and occupancy by-law applies as a demolition control area.

Public meeting (2) Before passing a by-law under this section, council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given,

- (a) by publication in a newspaper that, in the clerk's opinion, is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice of the meeting; or
(b) by personal service or prepaid first class mail to every owner of land in the area to which the proposed by-law would apply, as shown on the last revised assessment roll of the municipality, at the address shown on the roll or, if

the clerk has received written notice of a change of ownership of land, to the new owner at the address set out in the written notice.

(3) The meeting shall be held not sooner than 20 days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed by-law. Right to be heard

(4) If a minor change is made in a proposed by-law after the holding of the meeting mentioned in subsection (2), the council may determine that no further notice is to be given in respect of the proposed by-law and the determination by council in that regard is final and not subject to review by any court. Changes to by-law

3. If a by-law has been passed under section 2, no person shall demolish the whole or any part of any building or structure in the demolition control area unless the person is the holder of a demolition permit issued under this Act. Permit required

4. Despite section 3, this Act does not apply to a person who, at the time of demolition, Non-application

- (a) holds a demolition permit issued under section 33 of the Planning Act;
(b) holds a building permit to construct or erect a new building on the site of the building or structure to be demolished; or
(c) holds a building permit to add to or alter the building or structure to be partly demolished.

5. (1) The council may refuse to approve an application for a permit to demolish the whole or any part of a building or structure in a demolition control area designated under this Act unless the owner of the land on which the building is located enters into an agreement with the Corporation respecting the beautification of the land pending development. Agreements

Definition	(2) In this section, "development" means the construction, erection or placing of a building or structure on land or an addition or alteration to a building or structure.	8. For the purpose of exercising the Corporation's authority under section 7, the employees and agents of the Corporation may enter upon land.	Power of entry
Condition	(3) An agreement under subsection (1) may provide, as a condition, that the person entering into the agreement with the Corporation must complete the beautification of the land in accordance with the agreement by a date not later than a date specified in the agreement, being not less than 365 days from the day demolition of the existing building or structure or part of it is commenced.	9. The Corporation may recover the expenses incurred under section 7 by any or all of the methods referred to in section 326 of the <i>Municipal Act</i> .	Expenses
Appeal to O.M.B.	6. (1) If the Corporation fails to approve an application for a demolition permit under this Act within 30 days after it is submitted to the Corporation, or if the owner of the land is not satisfied with the terms of the agreement or a condition imposed, the owner of the land may require that the application, agreement or condition be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk.	10. (1) The amount recoverable by the Corporation under section 9 shall not exceed \$30 for each foot of frontage of the lot. (2) In subsection (1), "frontage" means the length of the front lot line that divides a parcel of land from the street.	Maximum amount
Hearing	(2) The Ontario Municipal Board shall hear and determine the matter in issue and the decision of the Board is final.	(3) The maximum amount recoverable shall be adjusted on January 15, 1996 and on January 15 of each subsequent year in accordance with the change in the Consumer Price Index for Canada, as published by Statistics Canada under the <i>Statistics Act</i> (Canada), from January 15, 1995.	Interpretation
Enforcement	7. If an agreement contains a condition under subsection 5 (3) and the beautification of the land is not completed in accordance with the agreement by the date specified in it the Corporation, in addition to all other remedies, may complete all or any portion of the beautification of the land accordingly.	11. Any person who demolishes the whole or any part of any building or structure without first obtaining a demolition permit required under this section is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.	Offence
		12. This Act comes into force on the day it receives Royal Assent.	Commencement
		13. The short title of this Act is the <i>City of York Act, 1994 (No. 2)</i> .	Short title