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**Date** October 10, 2023 **Report No.** 2023-582

**To** Chair and Members  
Committee of the Whole – Planning and Administration

**From** Michael Bradley  
Commissioner of Community Development

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## 1.0 Type of Report

Consent Item ☐  
Item For Consideration ☒

## 2.0 Topic **Concurrent Non-Routine Demolition Applications for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street [Financial Impact – Unknown]**

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## 3.0 Recommendation

- A. THAT Report 2023-582, titled “Concurrent Non-Routine Demolition Applications for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street” BE RECEIVED; and
- B. THAT the Non-Routine Demolition Applications for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street BE APPROVED.

## 4.0 Executive Summary

The owner of 187-203 Market Street, 11 Grey Street, 168 George Street and 168½ George Street has submitted Non-Routine Demolition Applications for the four properties, which are all situated on the block surrounded by Market, Grey, George and Marlborough streets. These applications were submitted following a fire at an adjacent property at 28-30 Marlborough Street, which is situated on the same block and also owned by the Applicant.

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Demolition Control is a tool enabled by Section 33 of the *Planning Act* to help prevent the premature loss of dwelling units within the Demolition Control Area. The City of Brantford's Demolition Control By-law sets out two types of applications: "routine" approved by delegated Staff and "non-routine" approved by Council. "Routine" demolition applications are applications where development approvals are substantially completed and there is a reasonable level of assurance that a proposed development will occur. "Non-Routine" applications are those that precede approval of detailed designs for development which in this instance would be achieved through Conditional Site Plan Approval.

The four subject properties, together with 28-30 Marlborough Street and the vacant property at 150-166 George Street, are the subject of Official Plan Amendment application OP-02-20 and concurrent Zoning By-law Amendment application PZ-08-20 which were submitted to the City in accordance with the *Planning Act*. The Applicant was proposing to construct a mixed-use building consisting of a five-storey podium and two 11-storey towers which would collectively contain 216 residential units and approximately 209 square metres (2,250 square feet) of commercial space. The applications were circulated for comment and concerns were provided in response to the City by CN Rail. Despite Staff's attempts to work with CN Rail and the Applicant to address the concerns, the Applicant filed an appeal with the Ontario Land Tribunal due to a lack of decision by the City within the legislated timeframe.

On August 28, 2023 there was a fire at 28-30 Marlborough Street. The fire caused enough significant damage such that Staff in Building Services issued an order to demolish the building on that property. As of September 15, 2023, the building on 28-30 Marlborough Street had been demolished, and the vacant buildings on 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street all remain secured and in adequate condition. Staff notes that prior to the fire, Brantford Fire received five emergency calls regarding the collective properties in 2023 while By-law and Security Services Staff responded to eight calls collectively, seven of which were for insecure buildings (i.e. plywood hoarding being removed). Based on the number of calls, plywood hoarding was replaced with corrugated steel. Due to the ongoing issues, the Applicant would like to demolish remaining buildings to avoid risks to health and safety.

Planning and Development Services Staff has considered the goals of the Demolition Control By-law and consulted with Staff in Building Services, Brantford Fire, Finance Services, and By-law and Security Services. The Applicant's appeal to the OLT demonstrates a desire to move the project

forward. As of the preparation of this Report, a pre - hearing conference has been scheduled by the OLT for February 2024. Additionally, Finance Staff have indicated that, while there may be a loss of assessment from demolishing the vacant buildings, the location of the parcel near the Brantford VIA Station and the development potential may also result in assessment increasing. Based on a consideration of the intent of Demolition Control, the ongoing emergency and by-law calls, and the recent fire near the subject properties, Staff recommends that the Non-Routine Demolition applications be approved.

## 5.0 Purpose and Overview

The purpose of Report 2023-582 is to provide Committee and Council with information and a recommendation regarding the non-routine demolition applications for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street which are all subject to the City of Brantford's Demolition Control By-law (Chapter 433 of the City of Brantford's Municipal Code).

## 6.0 Background

The City has received four concurrent non-routine demolition applications for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street. The subject properties are shown on the Location Map attached as **Appendix A** and the Aerial Photo attached as **Appendix B**. The properties are also shown in Figures 1, 2, and 3 below.

Figure 1: 187-203 Market Street on September 15, 2023.



Figure 2: 11 Grey Street on September 15, 2023.



Figure 3: 168 & 168 1/2 George Street on September 15, 2023.



The subject properties are located within the Demolition Control Area as shown in **Appendix C**. Demolition Control is a tool enabled by Section 33 of the *Planning Act* to help prevent the premature loss of dwelling units within the Demolition Control Area. The City of Brantford implements this tool through the Demolition Control By-law (Chapter 433 of the Municipal Code), which sets out two types of applications: “routine” and “non-routine”. “Routine” demolition applications are applications where development approvals are substantially completed and there is a reasonable level of assurance that the development will occur (e.g. conditional Site Plan approval or conditional Draft Plan of Subdivision approval has been issued; or, if no *Planning Act* applications are required, a complete Building Permit application has been submitted to replace

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the number of dwelling units). “Non-routine” demolition applications are those which do not meet the required threshold for pending or completed development approvals and/or where a residential property is designated under the *Ontario Heritage Act* or listed on the City’s Heritage Register. The subject properties are not designated under the *Ontario Heritage Act*, and did not merit listing on the City’s Heritage Register.

The subject properties, together with 150-166 George Street and 28-30 Marlborough Street are the subject of Official Plan Amendment application OP-02-20 and concurrent Zoning By-law Amendment application PZ-08-20 which were submitted to the City in accordance with the *Planning Act*. The Applicant was proposing to construct a mixed-use building consisting of a five-storey podium and two 11-storey towers which would collectively contain 216 residential units and approximately 209 square metres (2,250 square feet) of commercial space. The applications were appealed to the Ontario Land Tribunal by the Applicant on the basis that the City did not make a decision on the application within the statutory time period set out in the Act. Staff were attempting to work with the Applicant and CN Rail to address the latter’s concerns with the development when the Applicant filed their appeal.

On August 28, 2023 there was a fire at 28-30 Marlborough Street. The fire was large enough and caused significant damage such that Building Services Staff issued an order to demolish the building on that property. The buildings on 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street all remain secured and in adequate condition. 150-166 George Street is currently a vacant lot with no structures.

Approval (but not denial) of Routine Demolition Applications is delegated to the Chief Building Official. As the redevelopment proposal has not yet advanced to the Conditional Site Plan Approval stage, the applications are deemed non-routine and therefore, the authority to approve or deny the application remains with Council.

## **7.0 Corporate Policy Context**

The 2023-2026 Council Priorities include a Priority Action Area related to planning for growth that is aligned with the City’s Official Plan.

The Downtown Priority Plan includes a priority to continue supporting residential and business development in Downtown Brantford.

## **8.0 Input From Other Sources**



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Planning and Development Services Staff consulted with Staff in Building Services, Brantford Fire, Clerk Services (Licensing), Finance Services, and By-law and Security Services. Input from Building Services, Brantford Fire, and By-law and Security Services is discussed in Section 9.0 of this Report. Input from Finance Services is discussed in Section 10.0.

While the Brantford Heritage Committee has been consulted in the past on non-routine demolition applications, that review would focus on cultural heritage value instead of protecting dwelling units. Staff note that the subject properties were evaluated through the Heritage Register Project and were not found to have cultural heritage value, and none of the properties were recommended for listing. Accordingly, consultation with the Brantford Heritage Committee is not warranted for these applications. This is consistent with the procedure discussed during the last review of the Demolition Control By-law in 2019.

## 9.0 Analysis

The buildings at 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street are presently vacant and, as of the writing of this Report, generally secured against entry. The Applicant has made concurrent Non-Routine Demolition Applications following a fire at another property at 28-30 Marlborough Street which is also subject to applications OP-02-20 and PZ-08-20. 28-30 Marlborough Street has been demolished to make the site safe. The Applicant would like to proceed with demolition of remaining structures comprehensively.

The purpose of the Demolition Control By-law is to prevent premature loss of housing stock. It does not apply to non-residential uses and it is not a heritage conservation tool. When reviewing Non-Routine Demolition Applications, Staff considers the following objectives of the Demolition Control By-law:

- Preventing the premature loss of housing stock and the creation of vacant land;
- Retaining existing residential units until new uses have been considered;
- Maintaining the integrity of residential neighborhoods; and
- Preventing the premature loss of municipal assessment.

The City's position through the adoption of Demolition Control is that usable dwelling units should be maintained until the replacement of the dwelling units is

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reasonably assured, unless other compelling reasons support early demolition and loss of dwelling units.

With respect to the first three objectives, and in the context of major redevelopment, this would typically be achieved through the achievement of a Conditional Site Plan Approval – the stage at which most of the detailed design has been contemplated and is ready to be implemented. In the case of the subject lands, Staff note that the Applicant had submitted concurrent applications for an Official Plan Amendment and a Zoning By-law Amendment. The appeal to the Ontario Land Tribunal demonstrates an interest in receiving approval for the proposal so as to proceed with development. Should development proceed in the near future, the five currently vacant dwelling units and 17 currently vacant lodging rooms would not be lost for a significant amount of time and the temporarily vacant parcels would be occupied by a mixed use building bringing in additional residents to the neighbourhood, which would support commercial uses and increase activity in the neighbourhood.

As noted in Section 6.0 of this Report, on August 28, 2023 the property at 28-30 Marlborough Street was the subject of a fire that damaged the building to such an extent that Building Services issued an order to make the site safe and demolish the buildings. Building Staff noted that no other properties appeared to be damaged or deteriorating to an extent that an order was necessary. Brantford Fire Staff were consulted and it was noted that 28-30 Marlborough Street was the subject of 5 emergency calls between early January 2023 and September 2023. Two emergency calls in June were associated with 187-203 Market Street. By-law and Security Services noted that there were five calls to 187-203 Market Street from February to June 2023; four calls were for the building being insecure against entry (i.e. wooden boards being removed) and one for graffiti removal. Additionally, two calls related to 28-30 Marlborough Street and one call related to 168 George Street; all three of those calls were for insecure buildings. Based on the number of calls, By-law and Security Services Staff spoke to the Applicant and wooden boards were replaced with corrugated metal.

In consideration of the foregoing matters, Staff is of the opinion that the Non-Routine Demolition Application for 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street should be approved. Given the *Planning Act* applications submitted for the subject lands, and the risk of further loss due to fire (as evidenced by emergency call records), Staff is of the opinion that the Demolition Control By-law's objectives are likely to be satisfied in the future, and that retention of the buildings in their current state presents a reasonably foreseeable risk to public safety.

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## **10.0 Financial Implications**

Planning Staff consulted with Staff in Finance Services, who noted that there had already been a slight reduction in property valuation for 187-203 Market Street because of the state of the property. 11 Grey Street and 168 & 168½ George Street retain their pre-vacancy valuation.

Staff in Finance Services noted that, while it is possible there would be further loss of property value if buildings are demolished (because property value considers the property itself (e.g. size and location) as well as extant buildings), if the proposed high-rise development proceeds, then the property value will certainly increase dramatically over the present value. In addition, Staff in Finance Services noted there was a possibility that the property value could increase despite demolition, by virtue of lots consolidating to create a larger developable lot, and the potential development that could be accommodated in what is a prime location near to a commuter rail station. Accordingly, it is not possible to quantify the exact financial implications to the City at this time.

## **11.0 Climate and Environmental Implications**

Demolition will result in building components being sent to a landfill as construction waste, though in some cases salvage for reuse may be possible. Demolition activities will also contribute to increased GHG emissions in the community. Due to several unknown variables, demolition GHG emissions cannot be quantified at this time.

## **12.0 Conclusion**

The owner of 187-203 Market Street, 11 Grey Street, and 168 & 168½ George Street has submitted a Non-Routine Demolition Application for the properties, following a fire at the adjacent 28-30 Marlborough Street. The fire at the Marlborough Street property caused significant damage to the point that the City's Building Services issued an order for the building to be demolished for safety. Due to a history of emergency calls for 28-30 Marlborough Street and the adjacent 187-203 Market Street, the Applicant has submitted these Non-Routine Demolition applications to avoid a similar emergency situation occurring again. Staff have considered the Non-Routine Demolition applications against the goals of the Demolition Control By-law and recent events. Based on the matters discussed in this Report, Staff recommends that the Non-Routine Demolition applications be approved.





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Michael Bradley  
Commissioner of Community Development

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Attachments

Appendix A: Location Map

Appendix B: Aerial Photo

Appendix C: Demolition Control Area Map

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no