



APPLICATION FOR DEMOLITION CONTROL

Development & Housing Approvals
 200 King Street West, 6th Floor
 Kitchener ON N2G 4V6
 General Inquiries: 519-741-2426; planning@kitchener.ca

APPROVAL PROCESSES

There are three processes that may apply to a residential demolition, as outlined below.

1. DEMOLITION CONTROL (Section 33 of the Ontario Planning Act)

Demolition Control applies to the demolition of any dwelling unit within the Demolition Control Area, which includes any residential building or any building containing one or more dwelling units requires demolition control approval before a demolition permit can be issued by the City's Chief Building Official to physically remove the structure. Demolition Control also applies to any former residential dwelling that has been converted to non-residential use. The purpose of demolition control is primarily to prevent the premature loss of viable housing stock and the creation of vacant parcels of land. Demolition Control does have related benefits of protecting the appearance, character, and integrity of residential neighbourhoods and streetscapes; preventing the premature loss of municipal assessment; retaining existing dwelling units until redevelopment plans have been considered and approved; and ensuring that redevelopment occurs in a timely manner, where proposed. Where a proposed residential demolition is outside of the demolition control area or is exempted under certain criteria, demolition control approval is not required but an exemption must be obtained from the Planning Division.

2. HERITAGE PERMIT APPLICATION (Ontario Heritage Act)

The City has a responsibility to conserve cultural heritage resources. Where demolition is proposed on a property that is designated under Part IV (Individual) or Part V (Heritage Conservation District) of the Ontario Heritage Act, the submission and approval of a Heritage Permit Application is required. A Heritage Impact Assessment and/or Conservation Plan may be required to support the application. Such applications must be considered by the Municipal Heritage Committee (Heritage Kitchener) and City Council. Where demolition is proposed on properties that are listed as non-designated property of cultural heritage value or interest on the Municipal Heritage Register, the owner is required to give City Council at least 60 days notice in writing of their intent to demolish accompanied by the plans and information required by City Council. During this time, City Council may choose to designate the property to provide protection from demolition. Where properties are identified on the Heritage Kitchener Inventory of Historic Buildings, heritage planning staff will conduct a site visit to evaluate the cultural heritage value and/or interest of the property.

3. DEMOLITION PERMIT (Building Code Act)

The purpose of this permit is to enhance public safety and to ensure building services are disconnected in a safe and appropriate fashion prior to the City issuing approval for the demolition. It is also to ensure that the site will not have a negative impact on the surrounding properties post demolition. Demolition Permits are issued by the City's Chief Building Official. Please contact the Building Division at 519-741-2433 for more information and for the application procedure.

4. RENTAL REPLACEMENT PERMIT (Municipal Act)

The Rental Replacement By-law is a tool designed to provide stability and compensation to tenants displaced by redevelopment, and to create a transparent and predictable rental replacement permitting regime that ensures that new development does not occur at the expense of existing rental housing. The By-law requires landowners seeking to demolish, convert, or complete interior renovations or alterations that change the number of dwelling units or bedroom, to one or more existing rental dwelling units on any property, or assembly of properties that contain six or more existing rental dwelling units, to provide alternative housing or compensation to tenants and require the provision of replacement rental housing in new developments. For more information, please see <https://www.kitchener.ca/rentalreplacement>.

SUBMISSION REQUIREMENTS AND APPLICATION FEES

Complete applications must be submitted by email to planning.applications@kitchener.ca (maximum 10 MB); for larger files please upload directly to the City's ShareFile account (contact us if you require access) with a corresponding email to advise that the application has been uploaded. Payment is due immediately following the digital submission. Send a cover letter (be sure to include the address of the subject property) along with the cheque (payable to the City of Kitchener) to Kitchener City Hall, Development & Housing Approvals Division, 200 King Street West, 6th Floor, Kitchener ON N2G 4G7.

- ☐ First building on site (including notification sign) - **\$1,198.00**
- ☐ If application is decided by City Council - **\$1346.00**
- ☐ Each additional building on site - **\$598.00**
- ☐ Demolition Control Exemption - **\$929.00**

TOTAL FEES SUBMITTED: \$ _____

(please include a scanned copy of cheque with the digital submission)

DEMOLITION CONTROL PROCEDURE

Demolition Control Exemption

Where the proposed demolition of a residential building is located outside the Demolition Control Area (this area comprises properties zoned R-1 through R-6 as defined in the City of Kitchener Zoning By-law 85-1, lands zoned RES-1 through RES-5 and Strategic Growth Area (SGA) Zones SGA-1 through SGA-4 as defined in the City of Kitchener Zoning By-law 2019-051, or any property, or assembly of properties that contain six or more existing rental dwelling units on lands within any zone in the City's Zoning By-law 85-1 or Zoning By-law 2019) or where the building is within the Demolition Control Area but meets one of the Exemption Criteria (outlined in Section 4 of this form), demolition control approval is not required. However, the applicant must obtain approval of a Demolition Control Exemption from the Planning Division, prior to issuance of a demolition permit by the Building Division. The fee for a Demolition Control Exemption is noted in the schedule above.

Properties that contain a cultural heritage resource, are designated under the Ontario Heritage Act, or listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, do not qualify for Demolition Control Exemption.

If the property qualifies for an exemption, please check the box that states "Applying for Demolition Control Exemption" at the top of the form and complete all relevant sections on the form as outlined in Section 1. Also include the required plan and submit any supporting documentation (if applicable). Review and approval of a Demolition Control Exemption may take up to 7 business days.

Demolition Control Application

Preliminary Review:

- a) Where demolition control approval is being sought for a building that is designated under Part IV or Part V of the Ontario Heritage Act, or is listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, or is listed on the Heritage Kitchener Inventory of Historic Buildings, the applicant should consult with the City's heritage planning staff prior to application submission to determine proper processing requirements. Note that any required heritage approvals must be granted prior to deciding the demolition control application.
- b) Where demolition control approval is being sought to facilitate a new development, the applicant should check at this time to determine whether a site plan application* and/or building permit will be required. If a site plan application is required, the applicant should discuss the proposal with Planning Division staff and/or the Building Division staff for building permits. A site plan application and/or building permit application should be filed prior to or concurrently with the demolition control application to the Planning Division and/or Building Division.

***Note:** A site plan application is required for the construction of a new building or structure, an addition, or alteration to an existing building or structure, which has the effect of substantially increasing its size or usability, or for the establishment of a commercial parking lot or sites for 3 or more trailers. It is not required for the construction of a farm building and, with certain exceptions, a residential use with 10 dwelling units or less.

Demolition Control Application Submission and Process Summary:

(See attached Demolition Control Flow Chart for more information)

1. This application must be completed and submitted to the Planning Division with the prescribed fees (first residential building and each additional residential building), as noted in the schedule above. The application form must also be accompanied by one (1) copy of an up-to-date property survey or an accurate site plan drawn to scale in metric, such as 1:250 or 1:500 showing:
 - a) The true dimensions and bearings of the property
 - b) The location and dimensions of the residential structure(s) to be removed together with the location and dimensions of any accessory buildings and structures. Show also any buildings proposed to remain.
 - c) Existing and proposed elevations, drainage slopes and gradients.
2. After receipt of the form, a Planning staff member will circulate the application for a period of 14 consecutive days to the following departments, for comment:
 - Building Division staff - to determine the condition of the residential building(s) proposed to be demolished, if no redevelopment is proposed via a building permit and/or site plan application (if applicable). The application form requests authorization for a City Building Inspector to enter the property and have access to the building(s) for the purposes of carrying out an inspection.
 - Heritage Planning staff - to determine if the property is a significant cultural heritage resource, and if so, identify the required level of conservation and proper processing requirements. Should the property be designated under the Ontario Heritage Act, the consideration of a Heritage Permit Application seeking approval of a demolition, will be required before a decision on the Demolition Control Application can be made. Should the property be listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, the City may initiate the designation process. Should the property be identified on the Heritage Kitchener Inventory of Historic Buildings, Heritage Planning staff may request permission to enter the property and have access to the building(s) for the purposes of documentation prior to demolition.
 - Planning and Housing Policy staff – if staff determine that the proposal is subject to the Rental Replacement By-law, an application must be submitted and approved to finalize the required arrangements prior to demolition.

3. Concurrent with the demolition control application review, Planning Division staff may review the associated site plan application and the Building Division may review the building permit application for the redevelopment of the property, if applicable.
4. If a Heritage approval is required, this must be granted prior to the City's consideration of the demolition control application.
5. Upon review of all relevant issues, a staff recommendation will be made on whether or not the proposed demolition is supported, supported subject to standard approval conditions, or opposed by the Development Services Department. The applicant will be advised as to the department's recommendation.
6. Depending on the circumstances, as outlined in By-law 2024-131, the application will either be considered at the City's standing committee and decided by City Council, or be considered and decided by the City's Director of Development and Housing Approvals (see attached Demolition Control Flow Chart for more information).
7. The Planning Act prescribes an appeal procedure whereby the applicant may appeal the City's decision to the Ontario Land Tribunal.

STAFF USE ONLY – COMPLETE APPLICATION REVIEW

- ☐ Original, signed application form received and reviewed
- ☐ Applicable fees submitted
- ☐ Any additional information and materials provided, as required
- ☐ Plan is accurate and to scale (in metric units)
- ☐ Confirmation of ownership, address & legal description
- ☐ Affidavit completed and signed by applicant & commissioner
- ☐ Authorization provided, if required

Deemed as a complete application by: _____ Date: _____



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1. APPLICATION DETAILS

- ☐ I have discussed this demolition proposal with the following staff: _____
- ☐ I am applying for Demolition Control Approval – Complete sections 1-3 and 5-13
- ☐ I am applying for Demolition Control Exemption – Complete sections 1-5 and 10-13
- ☐ A site plan application and/or building permit application for the immediate redevelopment of the subject property has been applied for *or* is being applied for concurrently with this application.

Site Plan Application No. _____ Building Permit No. _____

2. REGISTERED OWNER (list on additional page if required)

Name(s): _____ Company (if applicable): _____

Phone: _____ Email: _____

Street Address: _____

City/Province: _____ Postal Code: _____

3. APPLICANT (if other than registered owner)

Name(s): _____ Company (if applicable): _____

Phone: _____ Email: _____

Street Address: _____

City/Province: _____ Postal Code: _____

4. EXEMPTION FROM DEMOLITION CONTROL (if applicable)

a) Exemption Due to the Property Being Located Outside the Demolition Control Area

The subject property is exempt because it is outside the Demolition Control Area (properties zoned R-1 through R-6 as defined in the City of Kitchener Zoning By-law 85-1, lands zoned RES-1 through RES-5 and Strategic Growth Area (SGA) Zones SGA-1 through SGA-4 as defined in the City of Kitchener Zoning By-law 2019-051, or any property, or assembly of properties that contain six or more existing rental dwelling units on lands within any zone in the City's Zoning By-law 85-1 or Zoning By-law 2019-051).

The zoning of the subject property is: _____

NOTE: To confirm zoning of the property, go to <https://www.kitchener.ca/en/development-and-construction/zoning-by-law.aspx>

The total number of dwelling units proposed to be demolished is: _____

b) Exemption Due to Exemption Criteria Applicability

The subject property is within the Demolition Control Area but is exempt because it meets one or more of the following criteria (check all that apply):

- ☐ The proposed demolition does not result in the loss of any dwelling units
- ☐ The residential property is not a permitted use under the current zoning of the property
- ☐ The residential property has been found to be unsafe under section 15.9 of the Building Code Act (unsafe order) and/or has been found to be an immediate danger to life safety under section 15.10 of the Building Code Act (emergency order) and/or has been found to constitute an emergency situation under Chapter 665 of the City of Kitchener Municipal Code and an emergency order has been issued under Section 15.7 of the Building Code Act **(submit supporting documentation)**
- ☐ The proposed demolition is necessary to facilitate environmental remediation of the site and completion of a record of site condition as specified by a qualified professional **(submit supporting documentation)**
- ☐ Demolition of the residential property is necessary to allow for the construction or establishment of a public work or service approved by the City, the Regional Municipality of Waterloo or Kitchener-Wilmot Hydro Inc. **(submit supporting documentation)**
- ☐ The residential property is a mobile home
- ☐ The residential property is exempted under any provincial or federal statute or regulation **(submit supporting documentation)**

c) Exemption Application Complete Submission Checklist

- ☐ Plan submitted as per regular demolition control application form
- ☐ Supporting documentation included with application form, if applicable
- ☐ Above checklists completed

5. DESCRIPTION OF PROPERTY AND BUILDING

a) Municipal address of property subject to application: _____

- If multiple buildings, specify which are to be demolished (indicate on plan also):

b) Assessment Roll No(s): _____

c) Legal description of subject property: _____

d) Are any of the existing buildings or structures 50 years of age or older? Yes ☐ No ☐

- If yes, which buildings (address)? _____

List the date that each building or structure was constructed, if known:

Identify the type, height and dimensions/floor area of each building (in metres):

e) Is the subject property:

Designated under the Ontario Heritage Act?

Yes ☐ No ☐

Listed on the Municipal Heritage Register?

Yes ☐ No ☐

Included on Heritage Kitchener's Inventory of Historic Buildings?

Yes ☐ No ☐

6. POLICY AND LAND USE

a) Official Plan designation: _____

b) Identify the secondary plan and land use designation for the subject property, if applicable:

c) Existing zoning, including any special provisions: _____

d) Type and number of dwellings/buildings proposed to be demolished (i.e. single detached dwelling, semi-detached dwelling, duplex, street townhouse dwelling, multiple dwelling, etc.):

7. REASON FOR DEMOLITION

For example:

- To allow immediate redevelopment of the site through a site plan application and building permit application that have been submitted concurrently with this application
- To allow the site to be used for open space (e.g., parking lot, landscaped area, etc.)
- To remove a dwelling that is in poor repair with no immediate plans to redevelop

8. PROPOSED USE OF LAND AND RELATED DEVELOPMENT APPLICATIONS

Please include application type (i.e. zoning by-law amendment, consent, minor variance, etc.)

9. CLEAN WATER ACT REQUIREMENTS

Is the subject property located within a Source Protection Area? Yes ☐ No ☐

- If yes, have you provided a Notice of Source Protection Plan Compliance (Section 59 Notice), obtained from the Regional Municipality of Waterloo? Yes ☐ No ☐

NOTE: For more information, visit <http://www.regionofwaterloo.ca/sourceprotection>.

10. APPLICANT'S AGREEMENT WITH STANDARD APPROVAL CONDITION

- This section should only be completed if redevelopment of the site is proposed via the submission of a site plan application and building permit application.
- If owner agrees, the application will be decided by the City's Director of Development Approvals and Housing, unless the property is listed as a non-designated property of cultural heritage value or interest and not designated under the Ontario Heritage Act, RSO 190, c.O.18.
- If the owner does not agree, the application will be decided by City Council.

I, _____, the registered owner of the property that is the subject of this application, hereby agree to the imposition of the following standard conditions as part of the approval of this application:

- a) That the owner obtains final site plan approval for the proposed redevelopment, if applicable under Chapter 683 of the City of Kitchener Municipal Code
- b) That the owner obtains a building permit(s) for the proposed redevelopment

Upon satisfaction of subsections a) and b), the City's Chief Building Official may authorize and issue a demolition permit under subsection 33(6) of the Planning Act. The demolition permit will be subject to the following condition:

That in the event that construction of the proposed redevelopment is not substantially complete within 2 years of the date of issuance of the demolition permit, the City Clerk may enter on the collector's roll, to be collected in like manner as municipal taxes, \$20,000 for each dwelling unit contained in the residential properties 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.

Signature of Owner: _____ Date: _____

11. ACKNOWLEDGEMENT

As the owner of the subject property, I fully understand that:

- I am required to post a City-issued sign on the subject property in a location to be approved by the Director of Development Approvals and Housing within 24 hours of the approval of this application, should it be granted by the City, and that it shall be maintained in a state of good repair and remain in place until a demolition permit is issued and the building is substantially demolished
- The submission of this application constitutes consent for authorized City staff to enter upon the subject property for the purpose of conducting a property and building inspection that may be necessary for the evaluation of this application.

Signature of Owner/Applicant: _____ Date: _____

12. AUTHORIZATION OF OWNER FOR AGENT TO MAKE THE APPLICATION

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner is required, as below:

I, _____, the registered owner of the property that is the subject of this application, hereby authorize _____ to make this application on my behalf.

Signature of Owner: _____ Date: _____

13. AFFIDAVIT (to be completed *in person* in the presence of a Commissioner of Oaths)

I, _____, of the City/Town/Township of _____, in the County/Region of _____, solemnly declare that the information contained in this application is true, the information contained in the documents that accompany this application is true and that the owner as of the day on which this application is made has unconditional ownership of the subject lands and has disclosed any agreements or encumbrances that apply to the subject lands.

Signature of Owner/Applicant: _____

Declared before me at the

City/Town/Township of _____ in the County/Region of _____

this _____ day of _____, 20 _____.

Commissioner of Oaths: _____

The personal information contained on this form is collected pursuant to the Planning Act and will be used for the purpose of responding to your application.

