



Hamilton

**RENTAL HOUSING DEMOLITION AND CONVERSION**

Declaration of Use and Screening Form

The purpose of this form is to confirm if the Rental Housing Protection By-law 24-109 applies to your proposal and whether a Section 99.1 permit under the *Municipal Act* is required.

**Get Started!**

- Review the Definition section on page 5 of this Screening Form.**
- Complete all the pertinent questions below and sign the Declaration Section.**
- Submit the completed and signed form to [planningapps@hamilton.ca](mailto:planningapps@hamilton.ca).**

**1. Project Information**

Property Address: \_\_\_\_\_

Total number of existing dwelling units on the subject property: \_\_\_\_\_

This project proposes to (select one):

- Convert existing rental housing to condominium tenure.
- Demolish existing rental housing (including interior renovations or alterations that will result in a change to the number of dwelling units or dwelling unit types in the building).

Are you applying or have applied for a related Building Permit application or Planning application (including Committee of Adjustment)?

Yes  No

If known, provide the related permit or Application No.: \_\_\_\_\_

**2. Property Owner Information**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Company Name (If applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

### A. Dwelling Information

Based on the definitions on page 5:

- Does the subject land have 6 or more dwelling units? Yes  No
- Does the subject land have 1 or more rental units (vacant or occupied)?  
Yes  No

If you answered **yes to both** questions, proceed to section **B**.

If you answered **no to either** question, the Rental Housing Protection By-law does not apply to this proposal. Please proceed to the Declaration Section of this form.

### B. Building Tenure

- Is the building(s) registered as a condominium? Yes  No
- Is the building(s) a life-lease property? Yes  No

If you answered **yes to either** question, the Rental Housing Protection By-law does not apply to this proposal. Please proceed to the Declaration Section of this form.

If you answered **no to both** questions, proceed to section **C**.

### C. Proposed Changes

- Do any parts of the building(s) proposed for demolition, interior renovations or conversion contain a whole or part of an existing dwelling unit?  
Yes  No

If you answered **no**, a Section 99.1 permit is not required. Please proceed to the Declaration Section of this form.

If you answered **yes**, a Section 99.1 permit may be required. Please follow the directions below:

- If your proposal involves interior renovations affecting existing dwelling units, proceed to section **D**.
- If your proposal includes an application for consent (i.e. application for land division), proceed to section **E**.

**D. Information Regarding Interior Renovations or Alterations**

Regarding the changes to existing dwelling units:

- i. Will the total number of existing dwelling units be changed as a result of the renovation / alteration work? Yes  No
- ii. Will the work result in a change to the dwelling unit type in any category by bedroom type (i.e. will 2 bedroom change to 1 bedroom)? Yes  No

Fill out the table below to confirm the number of units and any changes.

Dwelling Unit Type	Number of existing Dwelling Units by Bedroom Type	Proposed Number of Existing and Renovated Dwelling Units by Bedroom Type
Bachelor (studio)		
1 Bedroom		
2 Bedroom		
3 Bedroom		
4 Bedroom		
Other		
Total Number of Units		

If you answered **yes to either i. or ii.** a Section 99.1 permit is required. Please submit a Rental Housing Demolition and Conversion Application.

If you answered **no to both** questions, a Section 99.1 permit is not required. Please proceed to the Declaration Section of this form.

NOTE: This proposal may be subject to the requirements under the Renovation Licence and Relocation By-law. For more information, see the following link or contact Licensing and By-law Services: [Renovation Licence and Relocation By-law | City of Hamilton](#)

**E. Application for a Consent to Sever under Section 53 of the *Planning Act***

Regarding your application for a consent to sever:

- Will each parcel of land created from the consent (severed or retained) contain 6 or more dwelling units?
- Will all parcels created from the consent (severed or retained) contain either 6 or more dwelling units and/or create a new vacant parcel of land on the portion of the lot which contained no dwelling units at the time of the consent application.

Yes  No

If you answered **yes**, the Rental Housing Protection By-law does not apply to this proposal and a Section 99.1 permit is not required. Please proceed to the Declaration Section of this form.

If you answered **no**, Section 99.1 permit is required. Please submit a Rental Housing Demolition and Conversion Application.

**3. Declaration Section**

Based on the information above, I believe that a Rental Housing Demolition and Conversion Application is:

Required

Not required

I, \_\_\_\_\_ certify that:

1. The information contained on this form and attachments is true and to the best of my knowledge.
2. If applicable, I have the authority to represent the Corporation or Partnership.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Personal information on this form is collected under the authority of Section 99.1 and section 227 of the Municipal Act and Section 2 the City of Hamilton's Rental Housing Protection By-law No. 24-109 for the purpose of evaluating your application and for aggregate statistical reporting. Questions about the collection of this personal information can be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 5<sup>th</sup> Floor, City Hall, Hamilton, Ontario, Telephone: 905-546-2424.

## Definitions

**"Average Market Rent" or "AMR"** means, in respect of a Rental Unit, rent that is at or below the average market rent by type of unit in the City of Hamilton as established annually by the CMHC;

**"Conversion" or "Convert"** means conversion of a Residential Rental Property to a purpose other than a Residential Rental Property and includes:

i. A Conversion as a result of a consent to sever land under Section 53 of the Planning Act;

ii. A Conversion to:

1. A non-residential use;
2. A living accommodation other than Dwelling Units;
3. A Co-ownership, a condominium or a building organized as a Life Lease Project; and

iii. Conversion to Co-ownership is deemed to occur when the first lease or sale of an interest in Residential Rental Property or of a share in a corporation owning or leasing any interest in Residential Rental Property takes place that carries with it the right to occupy a specific unit in the Residential Rental Property or when a Residential Rental Property is transferred or leased to a corporation of the type described in s. 1(9)(b);

**"Co-ownership"** means an equity co-operative or other co-ownership form of housing where the residential property is owned or leased or otherwise held, directly or indirectly by:

i. more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a Dwelling Unit in the residential property; or

ii. a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a Dwelling Unit in the residential property;

For greater certainty, a Co-ownership does not include a condominium, a residential building that is organized as a Life Lease Project, or a non-profit housing co-operative under the Co-operative Corporations Act, R.S.O. 1990, c. C. 35, as may be amended;

**"Demolition" or "Demolish"** means to do anything that will result in the removal of a building or any material part thereof and includes, but is not limited to, interior renovations or alterations that will result in a change to the number of:

- i. Dwelling Units in the building; or
- ii. Dwelling Unit Types in the building;

**“Dwelling Unit”** means one (1) or more habitable rooms designed, occupied or intended to be occupied as self-contained living quarters and shall, at a minimum, contain:

- i. sanitary facilities;
- ii. accommodation for sleeping; and
- iii. one (1) kitchen;

For greater certainty, a Dwelling Unit shall not cease to be a Dwelling Unit due to any vacancy thereof.

**“Related Buildings”** means:

- i. Buildings that are under the same ownership and on the same parcel of land (as defined in Section 46 of the Planning Act); or
- ii. Buildings that form part of the same Application under this By-law or under a Related Planning Application;

**“Rental Unit”** means a Dwelling Unit used, or intended for use, for residential rental purposes, including a Dwelling Unit in a Co-ownership that is or was last used for residential rental purposes, but does not include:

- i. a Dwelling Unit in a condominium registered under Section 2 of the Condominium Act, 1998;
- ii. a Dwelling Unit in a building organized as a Life Lease Project where the right to occupy the Dwelling Unit is based on a life lease interest; or
- iii. a Dwelling Unit in a Mobile Home (as defined in City of Hamilton Zoning By-law 05-200) which is only occupied on a seasonal basis,

**“Residential Rental Property”** means a building or Related Buildings containing one or more Rental Units and includes all common areas and services and facilities available for the use of its residents;

**Please refer to the Rental Housing Protection By-law No. 24-109 for additional definitions.**