



Protecting Heritage Properties

Monitoring, Maintenance & Enforcement

Heritage Richmond Hill
January 19, 2021



Agenda/Outline

1. Protection Tools
2. Property Standards By-law
3. Heritage Property Amendment to Property Standards By-law
4. Enforcement Approaches & Processes
5. Municipal Benchmarking
6. Summary

Tools

1. Requirement for resolution prior to Development Application processing;
2. Heritage Agreements;
3. Property Standards By-law:
 - A community standards by-law enacted by the municipality pursuant to authority granted by the Ontario Building Code Act.

Property Standards By-law

- Section 15.1 of the ***Building Code Act*** authorizes municipalities to pass a by-law prescribing standards for the maintenance and occupancy of property
- Richmond Hill's Official Plan (Section 5.28) includes provisions related to property maintenance and occupancy standards
- The City's Property Standards Bylaw was enacted in 1999
- The ***Property Standards By-law No. 79-99*** (Municipal Code Chapter 1010) sets minimum maintenance standards for all property in Richmond Hill and requires that owners maintain properties to these standards

Property Standards By-law

Richmond Hill's Property Standards By-law regulates:

| | |
|--|---|
| Yard maintenance | + |
| Grading, paving and surface conditions | + |
| Structural standards | + |
| Utilities | + |
| Exterior lighting | + |
| Fences, retaining walls and signs | + |
| Vacant properties | + |
| Accessory buildings | + |
| Rental properties | + |

Property Standards By-law

Structural Components:

- Foundations, walls, beams, floors, roof slabs and balconies must be structurally sound and in good repair (e.g., no deteriorated wood, damaged siding or broken stucco).
- Window and doors must be in good repair and weather tight, free from rot, damaged screens and broken glass

Vacant Properties:

- Must be maintained to prevent risk of fire, accidents, trespassing and other hazardous and dangerous conditions.
- Materials used to board up windows and doors must be colour-coordinated with exterior finish of the building.
- Utilities must be disconnected or secured if owner is away for more than 90 days.

Heritage Property Requirement

In June 2010 the Property Standards By-law was amended to include the following requirement for heritage properties:

1010.3.39 Heritage properties - standards - applicable

Town-wide minimum property standards for the maintenance of heritage attributes of designated properties under Parts IV and V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as outlined in SRPRS.10.062 shall apply. By-law 69-10, 14 June, 2010.

Part IV of the *Ontario Heritage Act* provides for designation of individual properties and landscapes

Part V of the *Ontario Heritage Act* provides for the designation of heritage conservation districts

Note that this amending clause do not apply to listed buildings

Heritage Properties

Intent of the Heritage Property amendment to the Property Standards By-law:

- “Demolition by neglect” – purposeful or unintentional action/inaction that leads to the buildings and/or structures deteriorating to a point beyond which it is reasonable to repair.
- The loss of individual heritage attributes and features or demolition of entire structures are not appropriate options for these non-renewable and valued community resources.
- “Demolition by neglect of heritage properties” was noted as a common issue during the 2005 review of the ***Ontario Heritage Act***.
- The ***Ontario Heritage Act (as amended in 2005)*** contained new provisions that enabled municipalities to set out standards for the maintenance of the heritage attributes of designated heritage properties (Part IV & V), above and beyond the requirements typically provided for in property standards By-laws enabled under the ***Building Code Act***.

Heritage Property Amendment to Property Standards By-law

“minimum property standards for the maintenance of designated properties” include:

- Requirement for maintenance of property’s designated heritage attributes;
- Direction that heritage attributes be repaired rather than replaced;
- Replacement materials must be same type as original;
- Minimal utilities required to prevent fluctuating temperatures/humidity that may damage building;
- Vacant/damaged buildings secured in a way that minimizes damage to building fabric.

Enforcement Spectrum



Complaint-based

- No monitoring
- City responds to complaints received
- Staff only report issues observed if they pose a health, safety or property damage risk

Proactive

- Routine monitoring of specific sites
- City initiates investigations when issues are observed by staff or complaints are received from the public

Enforcement Options

- Voluntary Compliance using education & public awareness
- Tickets & Fines
 - ❑ Part 1 of the Provincial Offences Act or the City's Administrative Monetary Penalty System
- Charges
 - ❑ Part 3 summons under the Provincial Offences Act
- Municipality can undertake work and recover cost via the tax roll
 - ❑ Typically this approach is only used if there is a health and safety concern

Municipal Benchmarking

| | Heritage-Specific Property Standards? | Proactive or Complaint-Based Monitoring? | Monitoring Schedule | Source of Complaints | Notes |
|---------------------------|---------------------------------------|--|--|---|---|
| NOTL | Y (2019) | Complaint | No schedule | Councillors, MHC, neighbours, local heritage advocacy groups | When Property Standards implemented, followed up directly with properties where there were concerns |
| Oakville | Y | Proactive with properties prone to issues like vacant farmhouses | Part of other site visits and during commute to/from office | Neighbours | Typically inspections are done with by-law officer and heritage planner together |
| Milton | Y | Complaint | No schedule | MHC, residents, Councillors | Sometimes issues come up through development applications where staff have more teeth in designating buildings and ensuring that an active use is programmed for it |
| Mississauga | Y | Complaint | No schedule | Residents | |
| Toronto | Y | Complaint, though volunteer community preservation panels keep eye on properties of interest | Municipal Licensing and Standards team does some proactive enforcement but it is not heritage-specific | Residents through 311 system, city staff, Councillors | Enforcement led by Municipal Licensing and Standards team with support from Heritage Planning |
| Halton Hills | Y | | | | Has found it difficult to navigate due to political and contentious nature |
| Bradford West Gwillimbury | N | NA | NA | NA | MHC has brought up property standards concerns but with listed properties |
| Hamilton | Y | Complaint | No schedule (see Notes) | Residents, Councillors, other third parties | Has Vacant Building Registry (not heritage specific)--requires owners to register their vacant properties and pay an annual fee that funds Municipal Law Enforcement officers who regularly monitor properties. These vacant properties are inspected at least four times a year. Also has Built Heritage Emergency Management Protocol, which outlines procedures for management of designated buildings subject to an Emergency Order or Unsafe Order |
| Innisfil | Y | Complaint | MHC members monitor for changes within their communities; planning and development engineering staff who often do site visits check on heritage properties | All complaints go through customer service desk regardless if it's from staff, MHC, Council | Not monitored proactively due to lack of resources. Having complaints go through customer service desk creates paper trail that makes it easy to see who has already been involved, and whether the concern has been resolved. Have an issue with getting orders prepared and enforced with sufficient details and within a meaningful timeframe |
| Ajax | Y | Proactive | No formal schedule but staff check on properties whenever they're out on site visits | staff, Council, residents | Have a relatively small group of designated properties so it is easier to have a good sense of the condition of each property |
| Kingston | Y | Complaint | No schedule. Community has "eyes" everywhere, aren't afraid to lodge formal or informal complaints to staff/by-law officers | Residents | Beneficial to keep an updated photo inventory of heritage properties. Good reference to keep track of any unapproved changes have been made |

Summary

- The City's Property Standards By-law currently includes a requirement for maintenance of heritage properties
- Richmond Hill is currently using a complaint-based approach to enforcement
- Ontario municipalities use a diversity of enforcement approaches in association with heritage properties