

A roadmap to dealing with Demolition by Neglect In Richmond Hill



**Improving the effectiveness of HRH in protecting
our Cultural Heritage – D Kelly P.Eng (retired) HRH
member Ward 4**

Agenda

- The trend is not our Friend! - The state of our Heritage Inventory
- What to do? – Where to Focus
- A way Forward! – Some short term and mid term action items

The trend is not our Friend! - The state of our Heritage Inventory

Ward	Total		Designated		Listed		City Owned	
	2008	2021	2008	2021	2008	2021	2008	2021
1	86	33	6	6	80	27	1	1
2	136	111	17	16	119	95	1	1
3	119	82	70	62	49	20	2	2
4	159	117	25	24	134	93	3	2
5	24	11	3	3	21	8	1	1
6	19	6	4	4	15	2	4	4
Total	543	360	125	115	418	245	12	11
△%		(33.8)		(8.0)		(41.4)		(8.3)

If current trends continue

- There will be no Heritage inventory by 2047 (except for the 11 owned by the city).
- Two things determine the level of HRH inventory:
 - Properties added to the list (Input – Listed/Designated)
 - Properties removed from the list (Output – delisted/demolished)
- Major influencers of the above are the current/future legislative framework (provincial and municipal) and economic environment
 - growth vs cultural preservation – A balancing act
 - control of listing now rests with owners, rendering the current HRH strategy ineffective in adding to the HRH inventory for protection
 - Governmental leadership (provincial and municipal) has greatly tilted to a growth priority
 - Increased use of MCO's and the Affordable Home Task Force considers Cultural Heritage to be a major barrier despite the facts.
 - Land values render preservation of cultural heritage uneconomic

What to do?

■ Input:

- Evolve from a historical perspective/focus to a cultural heritage one
- PR on the benefits of cultural preservation with co-existence of growth strategies

■ Output:

- Can anyone tell me what these numbers represent?
 - 10027; 11575; 11666; 1621; 630; 83

■ “ If you can’t measure it you can’t Manage it”

- With limited resources our focus must be limited to high risk properties – **These are Properties of Interest**
- A major barrier to manage our HRH Inventory is a lack:
 1. Transparency
 2. Visibility
 3. Enforcement

Focus on Cultural Heritage Vacant Properties

- Major loop-holes exist in the application of maintenance and enforcement rules of vacant designated and listed properties
- Applications for demolition permits provide no advance visibility to the HRH. It is too late for any options to preserve/rehabilitate the property. Listed properties are even less visible and “protected”.
- Without transparency, visibility, and enforcement the HRH cannot provide timely quality advice to Council regarding cultural heritage options.
- Vacant properties are a good indicator of a property at risk. Of the **18 properties of interest, 17 are vacant - 56% are designated.**

Properties of Interest in 2022

Basic Information on our 2022 Heritage Inventory

■ Properties Vacant or needs monitoring for upkeep – aka Properties of Interest

- ~~24~~ 18
- ~~13~~ 10 designated
- 8 listed

Ward	Listed #	Designated #	Total
1	4	0	4
2	2	3	5
3	2	5	7
4	-	2	2
5	-	-	-
6	-	-	-
Ttl of Interest	8	10	18
Ttl Inventory	245	113	358
%	3.3	8.8	5.0

A way Forward - A short term action item

- **Action Item** - recommend to immediately adopt a practice of a standing HRH agenda item that reviews one or two **Properties of Interest** at each HRH meeting
 - Many Municipalities in Canada and the US have adopted a proactive approach.
 - One approach is the municipality maintains a registration of the Vacant properties and charge a fee which funds increased scrutiny and enforcement.
 - A list of Properties of Interest has been created to allow the HRH be more proactive and can evolve to a registration model. This would allow a rolling 10 to 20 month HRH review of properties of interest.

RH has an opportunity to establish principles and policies which will greatly impact the direction we take in protecting our Cultural Heritage

- Legislation purposely vague in many ways
- One example is - structure definitions which allow for flexibility in approaches at the local level
- Structure is commonly misinterpreted
- All man made structures are subject to weathering and erosion toward destruction unless there is maintenance.

RH has an opportunity to establish principles and polices which will greatly impact the direction we take in protecting our Cultural Heritage

- Demolition vs Alter or are they the same thing?
- To willfully ignore maintenance that affects heritage structures am I in fact demolishing or altering a historical structure without a permit to do so?
- OHA penalties have been greatly increased for deterrence. (section 69.1 (1) (2) and (3) of the OHA which allow fines/restoration costs of \$50,000, \$250,000 and \$1,000,000).

A way Forward! Mid term action item – Establish a HRH Vacant properties of cultural Heritage significance sub committee to review:

- **Action Item – Create a HRH sub committee to review:**
- The City to adopt a Heritage Principle/Policy that intentional neglect of all maintenance bylaws to be treated as willful demolition without permit. The City needs to adopt OHA penalties as a deterrent.
- It is perceived that current Heritage agreements are too broad to be enforced. Incentives can be used to encourage entering into these agreements. Under the Ontario Heritage Act (OHA), Sec 37, Council can pass by-laws entering easements or covenants – voluntary legal agreements – with heritage property owners. Easement agreements set out requirements for maintaining a property or specific heritage features of a property

A way Forward! Mid term action item – Establish a HRH Vacant properties of cultural Heritage significance sub committee to review:

- In the event that a designated building cannot be saved and major development occurs a covenant to demolition should be a heritage memorial created that would be a major/minor amendment to the existing By Law. This will ensure that poor maintenance or removal of the memorial at some future date will not occur without city consultation.
- Improve visibility by measuring progress of heritage protection by maintaining statistics presented and using various tools for visibility
- The city website lacks transparency. An example is, in the RH maps section 8 of 16 links lack public access, of the 8 publicly available 5 have broken links. One is the Cultural Heritage information. There are no links to the cultural Heritage by-laws.

A final word ...

“We have not succeeded in answering all our problems. The answers we have found only serve to raise a whole set of new questions. In some ways we feel we are as confused as ever, but we believe we are confused on a higher level and about more important things.”

— Earl C. Kelley American educationist

Support Material



The mandate of the Richmond Hill Heritage Committee

The mandate of Heritage Richmond Hill is to act as an advisory committee to Council to advise on matters relating to Part IV (the designation of individual properties) and Part V (the designation of heritage conservation districts) of the Ontario Heritage Act.

In addition, the mandate will include acting as a resource for citizens in matters pertaining to conservation, restoration and renovation of heritage properties. It will also work to raise awareness of the Town's heritage in the community.

This includes responsibilities such as:

- **Identifying Cultural Heritage Properties**
- **Involving the Community and Developing Partnerships**
- **Educating and Informing the Community**
- **Ensuring Financial Accountability**
- **Assessing Other Legislation Affecting Cultural Heritage Properties**

“ *In establishing a Municipal Heritage Committee, council recognizes the importance of a proactive approach to heritage conservation....* **”**



5 Principles to follow

- **Accountability and Transparency**
 - Decisions about Richmond Hill heritage properties will be made in an open, accountable way, taking into account the views of interested persons and communities.
- **Identification and Evaluation**
 - Richmond Hill heritage properties will be identified and evaluated based on research and documentary evidence.
- **Continuing Care**
 - Sustaining the cultural heritage value of Richmond Hill heritage properties for long term benefit will be achieved most effectively by preventing deterioration through regular, on-going care.

5 Principles to follow

■ Impact Assessment

- Assessment of the impact of proposed activities on the cultural heritage value and the heritage attributes of Richmond Hill heritage properties will inform the decisions that may affect them.

■ Use and Reuse

- Richmond Hill heritage properties in active use by ministries and public bodies will continue to be used, or will be adaptively re-used, but uses that threaten a property's cultural heritage value will be avoided. Where no use of a property is possible, appropriate, timely disposal will take place.