

NO: R058

COUNCIL DATE: March 6, 2017

REGULAR COUNCIL

TO: **Mayor and Council** DATE: **March 2, 2017**
FROM: **General Manager, Planning and Development** FILE: **6800-01**
SUBJECT: **Proposed Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve the Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017 (the "Heritage Property Standards of Maintenance Bylaw"), as documented in Appendix "I" of this report; and
3. Authorize the City Clerk to bring forward the Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017 for the required readings.

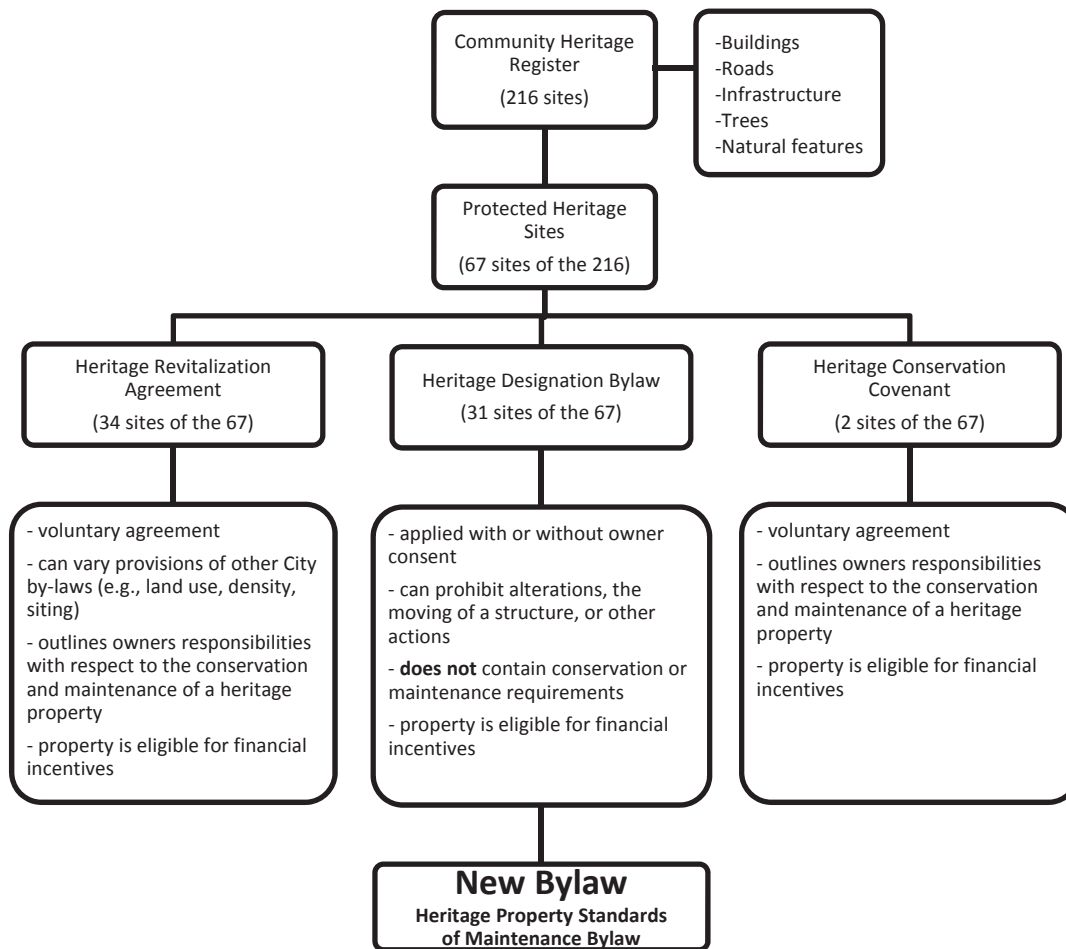
INTENT

The purpose of this report is to bring forward for Council's consideration the Heritage Property Standards of Maintenance Bylaw to establish minimum requirements for the care and maintenance of designated heritage property.

BACKGROUND

Surrey's Community Heritage Register is a list of properties, buildings, and features identified as having heritage character or heritage value. There are currently 216 sites listed on the City of Surrey's Community Heritage Register. Of those 216 sites, 67 of them (or, 1/3) are subject to some form of heritage protection. Thirty four are protected by heritage revitalization agreement, 31 are protected by heritage designation bylaw, and two are protected by conservation covenant (see Figure 1 below).

Figure 1: City of Surrey’s Community Heritage Register



A heritage designation bylaw is a bylaw placed on a property to protect a building, structure or other heritage feature, with or without the property owner’s consent. A heritage designation bylaw can prohibit exterior alterations, the moving of a structure, or other actions that would damage the protected features. A heritage designation bylaw differs from a heritage revitalization agreement bylaw in that it does not include a conservation plan or maintenance strategy.

Unlike a heritage revitalization agreement bylaw, a designation bylaw does not impose any conservation requirements on the owner; it merely prohibits actions that would alter the exterior of the designated building or structure. For these reasons, heritage designation bylaws are now primarily reserved for City owned heritage properties and the rare instances where a heritage property must be protected without the property owner’s consent.

The City currently has no authority to impose maintenance standards on heritage properties protected by heritage designation bylaw. Some designated heritage properties have fallen into a state of disrepair or have undergone alterations without the City’s authorization. With no enforcement options available, some heritage properties protected by designation bylaw are at risk of being lost to deterioration, vacancy, and neglect.

To address the maintenance concerns surrounding designated heritage buildings, a local government is authorized under Part 15, Section 616 of the *Local Government Act* to establish minimum requirements for the care and maintenance of real property. This includes both land

and improvements that are designated or located within a heritage conservation area. Heritage site maintenance standards are intended to communicate to property owners the minimum expectations of local government regarding the maintenance of designated heritage properties, ensure that properties are not permitted to deteriorate through neglect, and enable local government to apply to the court for a maintenance order. Heritage maintenance standards may be used to require owners to maintain their buildings to an acceptable level or condition as determined by a local government.

DISCUSSION

The proposed Heritage Property Standards of Maintenance Bylaw addresses concerns regarding the maintenance and conservation of designated heritage properties (Appendix "I"). Upon taking effect, it would apply to the 31 buildings and sites that are subject to heritage designation bylaws. This includes 20 City owned sites and 11 privately owned sites.

This Bylaw imposes minimum expectations on owners of designated heritage properties, ensuring that the property is not permitted to deteriorate. It stipulates that an owner or occupier of heritage property must maintain all buildings, structures, architectural features, and landscape features in good repair. It addresses issues such as: damage from the elements, painting, exterior condition of the building (including unsightliness), structural integrity, security, and special permit requirements.

In cases where property owners receive financial assistance from the City for the conservation of their property, maintenance of a designated property in accordance with the proposed Heritage Property Standards of Maintenance Bylaw could also be a condition of receipt of a Building Preservation Grant and/or property tax exemption.

The proposed Heritage Property Standards of Maintenance Bylaw was reviewed by the Surrey Heritage Advisory Commission (SHAC) on September 21, 2016. At that time, SHAC made the following recommendation:

That the Surrey Heritage Advisory Commission (SHAC) recommend to the General Manager, Planning and Development that the Heritage Property Standards of Maintenance Bylaw be forwarded to Council for consideration.

Legal Services and the Bylaw and Licensing Services have reviewed the proposed Heritage Property Standards of Maintenance Bylaw and have no concerns.

SUSTAINABILITY CONSIDERATIONS

The proposed Heritage Property Standards of Maintenance Bylaw aligns with the following Desired Outcomes (DO) and Strategic Directions (SD) in our Sustainability Charter 2.0:

Education and Culture

DO 10: Surrey celebrates, protects and promotes its natural and built heritage sites.

SD 13: Protect natural and built heritage sites.

CONCLUSION

Based on the above discussion it is recommended that Council:

- Receive this report as information;
- Approve the Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017 (the "Heritage Property Standards of Maintenance Bylaw"), as documented in Appendix "I" of this report; and
- Authorize the City Clerk to bring forward the Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017 for the required readings.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

ES/ss

Attachments:

Appendix "I" - Proposed Heritage Property Standards of Maintenance Bylaw, No. 18931, 2017

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CITY OF SURREY

BYLAW NO. 18931

A Bylaw to establish minimum maintenance standards for protected heritage properties

WHEREAS, pursuant to Section 616 of the *Local Government Act*, Council may establish minimum standards for the maintenance of real property that is designated as protected by a heritage designation bylaw or within a heritage conservation area;

AND WHEREAS, the Council wishes to ensure that real property that is protected by heritage designation bylaw or within a heritage conservation area is preserved for future generations and does not deteriorate due to lack of repair, maintenance and conservation.

The Council of the City of Surrey enacts as follows:

Definitions

1. This Bylaw may be cited as "Heritage Property Standards of Maintenance Bylaw, 2017, No. 18931".

2. In this Bylaw:

"accepted heritage conservation principles, standards and guidelines" means those principles, standards and guidelines established by Parks Canada and set out in "Standards and Guidelines for the Conservation of Historic Places in Canada, Published 2003", as amended in 2010;

"graffiti" means one or more letters, initials, symbols, marks, slogans, designs or drawings, howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface but does not include marks made accidentally, or any of the following:

- a) a sign, public notice or traffic control mark authorized by the Engineer;
- b) a sign authorized pursuant to the City's applicable by-law provisions regulating signs;
- c) a public notice authorized by a City by-law or by provincial or federal legislation; and
- d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.;

"heritage alteration permit" means a permit issued under Section 617 of the *Local Government Act*;

"heritage building" means a structure located on a heritage property;

"heritage property" means real property that is:

- a) designated as protected by a heritage designation bylaw; or
- b) located within a heritage conservation area,

and includes buildings, structures and other improvements affixed to the land.

Application

3. The maintenance standards prescribed in this Bylaw apply to real property designated as protected by a heritage designation bylaw under the *Local Government Act* or situate within a heritage conservation area designated under the *Local Government Act*.

Severability

4. A decision by a court that any part of this Bylaw is illegal, void, or unenforceable severs that part from this bylaw, and is not to affect the balance of this Bylaw.

Maintenance of Heritage Property

5. An owner or occupier of heritage property must:
 - a) maintain all buildings, structures, architectural features and landscape features in good repair; and
 - b) maintain all buildings, structures, architectural features and landscape features in accordance with this bylaw and all other applicable bylaws.
6. Every owner of heritage property shall preserve all original exterior and interior materials of that property until such time as a material has deteriorated to the point where it can no longer serve its purpose. When replacement of a deteriorated material is necessary, the owner shall replace that material with another material that is the same or very similar to the original material in type, form, texture, size, colour, and method of installation.

Owner's Responsibility

7. The maintenance of a heritage property is the responsibility of the owner. The owner may need to obtain a heritage alteration permit, building permit, or other approvals from the City, depending on the extent and type of work to be done as determined by the City. The City may refer any application to the City's Heritage Advisory Commission.
8. The owner of a heritage building must provide the Planning and Development Department with an address and contact phone number for service of notices and orders, and shall provide prompt notice of any change in the address and/or contact phone number given for service.

Heritage Alteration Permit

9. An owner or occupier of a heritage property must not cause, permit or allow work on the property for which a heritage alteration permit is required without first obtaining a heritage alteration permit.

Weather and Infestation

10. Every owner of a heritage property shall maintain the property so as to reasonably prevent, or effectively retard, damage from the elements. This maintenance includes, but is not limited to, preventing water penetration and excessive damage to materials from wind, sun and infestations.

Painting

11. Heritage properties shall be painted as necessary to protect exterior finish materials. Changes to the exterior finish of buildings or structures, including colour changes, require a heritage alteration permit. New exterior colours and colour placements shall be in keeping with the period and style of the building. In considering the issuance of a heritage alteration permit, the City shall consider the appropriateness of the colours to the general period and style of the building.

Exterior

12. The owner of a heritage building shall promptly remove graffiti from the building by using techniques that avoid or minimize damage to the building.
13. All premises and landscaped elements of a heritage property shall be maintained in a safe and sanitary condition, including steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds.
14. All heritage property yards, courts or lots shall be kept free of accumulation of trash, garbage waste, rubbish, refuse, junk and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects.

Structural Integrity

15. Every owner of a heritage property shall maintain all buildings located on the property and their structural members in good repair and in a manner that provides sufficient structural integrity so as to sustain safely its own weight and any additional loads and influences to which it may be subjected through normal use.

Heritage Conservation Standards and Guidelines

16. Every owner of a protected heritage property shall undertake work in conformance to accepted heritage conservation principles, standards and guidelines.

Extended Periods of Disuse

17. Where any heritage building is left unoccupied for 45 days or longer, the owner shall secure the heritage property to minimize the potential for vandalism and theft. At a minimum this

requirement shall include all points of entry to be secured, and posting of a sign that reads as follows:

PROTECTED HERITAGE SITE

No Vandalism or Removal of Materials

Maximum Individual Penalty: \$50,000 and 2 years imprisonment

18. Under certain circumstances where a prolonged vacancy of a heritage building is being considered, the General Manager, Planning and Development may require that the heritage property owner install security, lighting and fire alarms.
19. Appropriate utilities serving the heritage building shall be connected and used to provide, maintain and monitor property heating to facilitate conservation of the heritage property. Appropriate ventilation shall be provided to prevent damage to the heritage property that may be caused by humidity.

Enforcement

20. Failure by an owner to comply with these minimum maintenance standards for heritage properties may result in an application by the City to the Supreme Court of British Columbia for compliance or restoration under Section 619 of the *Local Government Act*.
21. Every person who violates or contravenes any provision of this Bylaw or who suffers, permits or causes any act of thing to be done in contravention of any provision of this Bylaw, or fails to comply with an order, notice or direction given under this Bylaw is guilty of an offence against this Bylaw and is liable to a fine not exceeding \$10,000. Every day a violation continues is deemed to be a separate offence.
22. If the Owner fails to meet the requirements of this Bylaw, the City may and is authorized to perform the necessary work, and the cost shall be at the expense of the Owner and the City shall be at liberty to recover the costs in a like manner as City property taxes on the Lands.
23. If there is a conflict between this Bylaw and the applicable heritage designation bylaw or heritage conservation area bylaw, the Standards of Maintenance Bylaw No. 18931 shall take precedence.