



MEMO

To: Chair & Members, London Advisory Committee on Heritage

From: Wade Jeffery, Supervisor – Municipal Law Enforcement Services
Kyle Gonyou, Heritage Planner

Date: May 9, 2018

Re: Maintenance Standards for Heritage Listed Properties

At its meeting on September 27, 2016, Municipal Council made the following resolution, *That the Civic Administration BE REQUESTED to review and report back with regulations that could be put in place, including, but not limited to amendments to By-law CP-16, A by-law prescribing standards for the maintenance and occupancy of property (Property Standards By-law) that would require owners of properties that are listed on the City's Inventory of Heritage Resources, regardless of whether or not they are located within a Heritage Conservation District, to be maintained in a similar manner that is currently required for those properties that are designated and/or are located within a Heritage District under the Ontario Heritage Act (9/11/CPSC).*

Ensuring the conservation of significant cultural heritage resources is important to our community. Conservation is reinforced by the *Provincial Policy Statement* (2014), the policies of our *Official Plan* (1989 as amended)/*The London Plan* (2016), and other tools such as the Property Standards By-law (CP-16).

The owner of a property is responsible for maintaining it, regardless of the property's heritage status.

Pursuant to Sections 35.3 and 45.1 of the *Ontario Heritage Act*, if a municipality has enacted a property standards by-law, it may, by by-law, identify minimum standards for the maintenance of a cultural heritage resources designated under Parts IV and/or V of the *Ontario Heritage Act*. These minimum standards are not available to properties that are listed on a municipality's Register.

Section 2.7 of the City of London's Property Standards By-law (CP-16, consolidated June 28, 2010), includes minimum standards for heritage designated properties. With these provisions, the City can issue an order pursuant to Section 15.2(2) of the *Building Code Act* requiring a property owner maintain or repair a heritage designated property. Should the property owner not comply with the order, the municipality may complete the

work and register a lien against the land for the cost of the work and/or add unpaid costs to the tax roll for the property. A Heritage Alteration Permit may be required to make alterations to a heritage designated property.

Additionally, heritage designated properties that have vacant buildings are acknowledged by the By-law to Regulate Vacant Buildings (A-35, enacted November 23, 2009). This by-law requires the owner of the property to notify the Chief Building Official or their designate that the property is heritage designated property.

To avail of the minimum standards for heritage designated properties within the Property Standards By-law, a property must be designated under Part IV and/or Part V of the *Ontario Heritage Act*. To ensure the conservation of a cultural heritage resource, designation under the *Ontario Heritage Act* is required to compel property owners to maintain those properties to the minimum standard of the *Property Standards By-law*.