

Staff Report



To	Committee of the Whole
Service Area	Public Services
Date	Wednesday, July 3, 2024
Subject	Heritage Minimum Standards – Property Standards By-law Amendment

Recommendation

1. That Council approves the draft by-law 2024-20944, as attached to this report, and that staff be directed to place the by-law on the July 23, 2024, agenda for final adoption, after which the by-law will come into effect on July 31, 2024.
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Executive Summary

Purpose of Report

The purpose of this report is to recommend that Council approve the proposed Property Standards By-law Amendment (2024-20944) for the maintenance of properties designated under Part IV and Part V of the Ontario Heritage Act. This by-law amendment implements solutions outlined in the "[797 Victoria Road North Debrief](#)," which Guelph City Council received on Monday, March 7, 2022.

Key Findings

Where a municipality has a Property Standards By-law in effect, Sections 35.3 and 45.1 of the Ontario Heritage Act enable Council to prescribe by by-law minimum standards for the maintenance and repair of heritage attributes of individual properties designated under Part IV or properties within a district designated under Part V of the Ontario Heritage Act. The proposed by-law amendment aligns with Provincial Policy Statement Policy 2.6.1, Official Plan Policy 4.8, and Recommendation HL9 of the City of Guelph's Cultural Heritage Action Plan.

Strategic Plan Alignment

This report's key findings and recommendations align with 2024-2027 Strategic Plan priority 6.1.4, which is to conserve our cultural heritage resources.

Future Guelph Theme

City Building

Future Guelph Objectives

City Building: Grow and care for our community space and places

6.1.4: Implement the Cultural Heritage Action Plan to conserve our cultural heritage resources.

Financial Implications

None

Report

The Ontario Heritage Act provides that where a municipality has a Property Standards By-law in place, the municipality may prescribe minimum standards for the maintenance of the heritage attributes of heritage properties designated under Parts IV and V of the Ontario Heritage Act. The objective of these minimum standards is not only to provide an enhanced standard of property maintenance for heritage properties, but also to prevent what has been popularly referred to as “demolition by neglect.”

“Demolition by neglect” refers to a situation where the owner of a designated heritage property, either purposely or unintentionally, allows the buildings and/or structures on the property to deteriorate to the point that they are beyond reasonable repair. In the case of designated heritage properties, the loss of individual heritage attributes or demolition of entire structures are not appropriate options for these non-renewable and valued community resources.

Many Ontario municipalities have enacted enhanced property standards by-laws to protect designated heritage properties. In preparing the proposed by-law amendment, staff reviewed current ‘best practices’ from municipalities across Ontario, including Brampton, Mississauga, Oakville, Toronto, Markham, Kingston and Ottawa.

The proposed Property Standards By-law Amendment (Attachment-1) contains repair and maintenance standards that seek to conserve the heritage attributes of designated properties. The proposed amending by-law adopts a two-pronged approach to demolition by neglect by:

- a) Requiring proper maintenance of a property’s heritage attributes.
- b) Preventing damage to and deterioration of heritage attributes and superstructures of vacant designated buildings to ensure they remain viable for future use.

Key provisions of the amending by-law include:

- Maintenance of the heritage attributes of the property.
- Repair, rather than replacement, of heritage attributes.
- Where necessary, appropriate replacement materials of the same type as the original material and in keeping with the design, colour, texture, and any other distinctive feature as the original, and installed in such a manner as to replicate the original.
- Requirement of minimal utilities in vacant and/or damaged heritage buildings to maintain appropriate heating and ventilation.

The proposed property standards provisions are a valuable tool and conservation initiative for the ongoing care and maintenance of designated heritage properties. In addition to the recommendation contained in this report, it should be noted that staff have taken strides to improve service related to Property Standards. These improvements include:

- Proactive exterior inspections of all heritage properties with a focus on vacant buildings.
- A proactive patrol of all vacant buildings that come to the attention of staff.
- Improved communications between departments and the creation of a mapping system to identify cross-departmental issues related to properties.

Staff have also improved the process in which orders and charges are issued with a focus on progressive enforcement for matters that are not resolved or are repeated violations.

Financial Implications

None

Consultations and Engagement

Staff sent a letter to all owners of designated heritage properties in the City of Guelph, informing them that changes will be occurring.

Attachments

Attachment-1 Amended Property Standards By-law 2024-20944

Departmental Approval

None

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