

The Corporation of the City of Guelph

By-law Number (2024) – 20944

A By-law to amend Property Standards By-law Number (2000) – 16454 to include minimum standards for the maintenance of the heritage attributes of heritage properties designated under Part IV and Part V of the Ontario Heritage Act, as amended.

Whereas subsection 35.3(1) of the Ontario Heritage Act, as amended (the “Heritage Act”), provides, in part, that, if a by-law passed under section 15.1 of the Building Code Act, 1992, as amended (the “Building Code Act”), setting out standards for the maintenance of property in the municipality is in effect in a municipality, the council of the municipality may, by by-law: (a) prescribe minimum standards for the maintenance of the heritage attributes of property in the municipality that has been designated by the municipality under section 29 of the Heritage Act; and (b) require property that has been designated under section 29 and that does not comply with the standards to be repaired and maintained to conform with the standards;

And whereas Council for The Corporation of the City of Guelph (“City Council”) has passed a by-law under section 15.1 of the Building Code Act, being Property Standards By-law Number (2000) – 16454;

And whereas, pursuant to subsection 41(1) of the Heritage Act, the council of a municipality may by by-law designate the municipality or any defined area of it as a heritage conservation district;

And whereas by way of By-law Number (2014) – 19812 City Council designated the Brooklyn and College Hill Heritage Conservation District under section 41 of the Heritage Act;

Whereas subsection 45.1(1) of the Heritage Act provides that, if a by-law passed under section 15.1 of the Building Code Act setting out standards for the maintenance of property in the municipality is in effect in a municipality, the council of the municipality may, by by-law: (a) prescribe minimum standards for the maintenance of the heritage attributes of property situated in a heritage conservation district designated under Part V of the Heritage Act; and (b) require property that is situated in a heritage conservation district designated under Part V of the Heritage Act and that does not comply with the standards to be repaired and maintained to conform with the standards;

The Council of the Corporation of the City of Guelph enacts as follows:

Definitions

1. For the purposes of this By-law:

“Heritage Act” means the Ontario Heritage Act, R.S.O 1990, c. O. 18, as amended;

“Building Code Act” means the Building Code Act, 1992, S.O. 1992, c. 23, as amended; and

“Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

Minimum Standards

2. In addition to the minimum standards for the maintenance and occupancy of Property in the city of Guelph as set out in this By-law, the owner or occupant of Property designated under Part IV or Part V of the Ontario Heritage Act shall:
 - (a) maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the Property; and
 - (b) maintain the Property and the components of the Property that hold up, support or protect the heritage attributes in a manner that will ensure the protection and preservation of the heritage attributes.

Repair of Designated Heritage Attributes

3. Despite any other provision of this By-law, where a heritage attribute of a Property designated under Part IV or Part V of the Ontario Heritage Act can be repaired, the heritage attribute shall not be replaced and shall be repaired:
 - (a) in a manner that minimizes damage to the heritage values and attributes of the Property as outlined in the designation by-law;
 - (b) in a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
 - (c) using the same type(s) of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and
 - (d) where the same type(s) of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

Replacement of Heritage Attributes

4. Despite any other provision of this By-law and subject to the Ontario Heritage Act and the Building Code Act, where a heritage attribute of a Property designated under Part IV or Part V of the Ontario Heritage Act cannot be repaired, the heritage attribute shall be replaced:
 - (a) using the same type(s) of material as the original;
 - (b) where the same type(s) of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and/or
 - (c) in a manner that replicates the design, colour, texture, grain and other distinctive features.

Vacant and Damaged Heritage Properties

5. The owner of vacant Property designated under Part IV or a Part V of the Ontario Heritage Act shall protect the Property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons and by closing and securing openings to the building with boarding:
 - (a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening, so that the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (b) that is fastened securely in a manner that minimizes damage to the

- heritage attributes and is reversible; and
- (c) in a manner that minimizes visual impact.

7. This By-law comes into force and effect on the July 31, 2024.

Passed this 23 day of July 23, 2024.

Cam Guthrie, Mayor

**Stephen O'Brien, City Clerk [or]
Dylan McMahon, Deputy City Clerk**