



**MEMO / NOTE DE SERVICE**

**Information previously distributed / Information distribué auparavant**

**TO: Chair and Members of the Built Heritage Committee**

**DESTINATAIRE: Président et membres du Comité du patrimoine bâti**

**FROM: Court Curry  
Manager, Right of Way, Heritage and  
Urban Design Services/Planning,  
Real Estate and Economic  
Development Department**

**Contact: Lesley Collins, Program  
Manager, Heritage Planning Branch/  
Planning, Real Estate and Economic  
Development Department**

**EXPÉDITEUR: Court Curry  
Gestionnaire, Services des emprises,  
du patrimoine, et du design urbain,  
Services de la planification, des biens  
immobiliers et du développement  
économique**

**Personne ressource: Lesley Collins  
Gestionnaire de programme,  
Direction générale de la planification  
du patrimoine, Services de la  
planification, des biens immobiliers  
et du développement économique**

**DATE: March 22, 2024**

**22 mars 2024**

**FILE NUMBER: ACS2024-PRE-RHU-0042**

**SUBJECT: Tools to Prevent Deterioration of Designated Heritage Properties**

**OBJET: Outils de prévention de la détérioration des biens patrimoniaux désignés**

## **PURPOSE**

The purpose of this memo is to provide a response to a March 2022 Built Heritage Sub-Committee direction to staff by former Councillor McKenney that read:

“Heritage Planning staff and Legal Services to provide a memo to Committee identifying tools available to the city to compel property owners to address deteriorating heritage properties.”

This memo was prepared by Heritage Planning staff in consultation with Legal Services staff.

## **DISCUSSION**

The City cannot compel a property owner to initiate development on a property, regardless of whether the property is designated under the Ontario Heritage Act. However, the City does have several tools to encourage and require property owners to maintain designated properties whether they are vacant or occupied. These include legal tools such as the Property Standards By-Law and the Building Code Act, as well as monitoring tools like the Heritage Community Liaison program and the Heritage Watch List.

These tools are described briefly below:

### **Property Standards By-law**

The Property Standards By-law (2013-416) is the key tool that the City can use to require property owners to maintain their heritage property to a minimum standard. The by-law includes requirements related specifically to heritage properties requiring owners to maintain the heritage attributes of the building, including that attributes must be replaced in-kind. The Property Standards By-law gives the City the authority to issue orders related to heritage properties as needed.

### **Building Code Act**

Where a property is in a state of serious disrepair or there are potential public safety issues, the Chief Building Official can issue orders under the Building Code Act to require stabilization, repair or the provision of reports such as an engineering study. Staff in Heritage Planning work closely with colleagues in Building Code Services to ensure that the heritage status of a property is considered in the issuance of these orders.

## **Heritage Watch List**

The Heritage Watch List was created in 2016 as a tool to monitor designated heritage buildings that are vacant or at risk due to significant deterioration. The buildings are monitored through the City's Property Standards By-law (2013-416) which was updated in 2013 to include specific standards for designated heritage properties. A Property Standards Officer visits each property on this list biannually and issues orders for board-up, graffiti removal, repair, restoration or property maintenance as required.

The list includes all vacant heritage buildings as well as occupied buildings that are deemed to be at risk due to significant neglect or deterioration. There are several buildings on this list that are currently under development and will be removed from the list once construction is complete and the buildings are occupied.

## **Heritage Community Liaison Program**

Introduced in 2018, the Heritage Community Liaison Program provides a single point of contact in the City's Heritage Planning Branch for community associations with Heritage Conservation Districts. As a monitoring tool, this provides community associations a dedicated staff person to whom they can submit inquiries or concerns about vacant or deteriorating buildings. Given workload, staff do not have capacity to regularly inspect all designated properties so collaboration with local communities helps to identify heritage properties that may be at risk.

## **Other Tools**

In addition to the heritage specific tools outlined above, the City has additional tools to ensure that properties are not left vacant including the City's Vacant Unit Tax and the Vacant Property Permit program under the authority of the Vacant Property By-law (2022-197).

## **CONCLUSION**

The tools outlined in this memo have been developed over the last 10 years as the City has bolstered its efforts to address demolition by neglect for heritage properties. Unfortunately, several of the properties that have been demolished or approved for demolition in the recent past were languishing for many years prior to the development of this toolbox or have been demolished illegally. City staff continue to collaborate to ensure that heritage properties that become vacant today are not allowed to deteriorate and end up as future examples of demolition by neglect.

Original signed by

Court Curry, Manager, Right of Way, Heritage and Urban Design Services

CC: Lesley Collins, Program Manager, Heritage Planning Branch

Christine Enta, Legal Counsel, Legal Services