

Authority: Licensing and Standards Committee Item 2.1,
as adopted by City of Toronto Council on March 5, 6, 7 and 8, 2007
Enacted by Council: September 27, 2007

CITY OF TORONTO

BY-LAW No. 1027-2007

To amend City of Toronto Municipal Code Chapter 629, Property Standards to prescribe minimum standards for maintenance and preservation of the heritage attributes of properties designated under Parts IV and V of the *Ontario Heritage Act*.

WHEREAS under subsections 35.3 and 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, a by-law may be passed by Council prescribing minimum standards for maintenance of the heritage attributes of designated properties or properties situated in heritage conservation districts provided that a by-law under section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c.23, is in effect in the municipality; and

WHEREAS Municipal Code Chapter 629, Property Standards, passed under subsection 15.1 of the *Building Code Act, 1992* which prescribes minimum standards for the maintenance and occupancy of all properties in the City is in effect; and

WHEREAS Council deems it necessary to amend Municipal Code Chapter 629, Property Standards, to include minimum standards for maintenance and preservation of the heritage attributes of properties designated under subsections 35.3 and 45.1 of the *Ontario Heritage Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Municipal Code Chapter 629, Property Standards, is amended as follows:
 - A. By renumbering Article V, Transition, as Article VI.
 - B. By renumbering § 629-43 as § 629-50.
 - C. By adding the following Article as Article V, Heritage Property Standards:

ARTICLE V
Heritage Property Standards

§ 629-43. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HERITAGE ATTRIBUTES:

- A. The attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred:

- (1) In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise;
 - (2) In a Minister's order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
 - (3) In a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise; or
 - (4) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise.
- B. The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

PART IV HERITAGE PROPERTY — Real property, including all buildings and structures thereon, that has been designated by the City under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

PART V HERITAGE PROPERTY — Real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under section 41 of the *Ontario Heritage Act*.

PROPERTY — 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, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, Part IV Heritage Properties and Part V Heritage Properties.

§ 629-44. Minimum Standards.

In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this chapter, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:

- A. Maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.
- B. Maintain the Property in a manner that will ensure the protection and preservation of the heritage values and attributes.

§ 629-45. Repair of Heritage Attributes.

- A. Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired:
- (1) In a manner that minimizes damage to the heritage values and attributes;
 - (2) In a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;
 - (3) Using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
 - (4) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

§ 629-46. Replacement of Heritage Attributes.

- A. Despite any other provision of this chapter, where a Heritage Attribute of a Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:
- (1) Using the same types of material as the original;
 - (2) Where the same types of material as the original 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
 - (3) In such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute.

§ 629-47. Clearing and Levelling of Heritage Properties.

Despite any other provision of this chapter, or the *Building Code Act, 1992*, no building or structure on a Part IV Heritage Property or a Part V Heritage Property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.

§ 629-48. Vacant and Damaged Designated Heritage Properties.

- A. Despite § 629-24D, where a Part IV Heritage Property or a Part V Heritage Property remains vacant for a period of 90 days or more the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.

- B. Despite § 629-24B the owner of a vacant Part IV Heritage Property or a Part V Heritage Property shall protect the building and 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:
- (1) 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 the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (2) That is fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible;
 - (3) In a manner that minimizes visual impact.
- C. Despite § 629-24B(2), no window, door or other opening on a Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required by a Municipal Standards Officer.

§ 629-49. Conflict.

If there is a conflict between this section and any other provision in this chapter or any other City by-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

ENACTED AND PASSED this 27th day of September, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)