

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

HERITAGE PROPERTY MAINTENANCE STANDARDS BYLAW 2018 NO. 5376

EXPLANATORY NOTE

Bylaw 2018 No. 5376 establishes minimum standards of maintenance for protected heritage property that is designated as protected by a heritage designation bylaw or is within a heritage conservation area.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

HERITAGE PROPERTY MAINTENANCE STANDARDS BYLAW 2018 NO. 5376

WHEREAS, pursuant to Section 616 of the *Local Government Act*, Council may establish minimum standards for the maintenance of real property that is designated as protected by a heritage designation bylaw or within a heritage conservation area;

AND WHEREAS Council deems it necessary and desirable to ensure that real property that is protected by a heritage designation bylaw or within a heritage conservation area is preserved for future generations and does not deteriorate and become derelict due to lack of repair, maintenance and conservation;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited for all purposes as “Heritage Property Maintenance Standards Bylaw 2018 No. 5376”.

2. Definitions

For the purposes of this bylaw, the following words have the following meanings:

“**accepted heritage conservation principles, standards and guidelines,**” means those principles, standards and guidelines established by Parks Canada as set out in the latest edition of the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

“**accessory building**” means a building, outbuilding, or structure on a property where the use or intended use is ancillary to that of the principal building or a use located on the same property, and includes but is not limited to garages, barns, gazebos, carriage houses, milk houses, and converted heritage buildings not considered to be the principal building.

“**architectural features**” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments, balustrades, railings and their architectural hardware, and all other similar exterior features.

“**building**” means any structure used or intended for supporting or sheltering any use or occupancy, including accessory buildings.

“**Building Permit**” means a building permit issued under the Langley Building Bylaw 2008 No. 4642 as amended or replaced from time to time.

“**Heritage Alteration Permit**” means a permit issued under Section 617 of the *Local Government Act* to allow changes to be made to protected heritage property.

“heritage conservation area” means an area designated for heritage purposes under Section 614 (1) of the *Local Government Act* in an official community plan.

“General Manager of Engineering and Community Development” means the individual appointed to carry out administration of planning and development, engineering and emergency matters, and includes the authorized representatives and the authorized delegates of the General Manager of Engineering and Community Development.

“good condition and repair” means free of defects, undamaged, and fit for its intended purpose.

“grounds” means all areas of a property on which buildings and structures are not located.

“fence” means any structure, including but not limited to, a barrier, wall or railing, for the purpose of defining boundaries of property, separating open space, restricting ingress or egress from property, providing security or protection to property, or acting as a visual or acoustic screen, but does not include a building.

“landscape features” means any fence, retaining wall, statuary, patio, terrace or other similar features located on a property and outside of the exterior walls of a building.

“Municipality” means the Corporation of the Township of Langley.

“occupier” means an owner, tenant, lessee, agent and any other person who has the right of access to, and control of, a building or premises to which this bylaw applies, and in relation to common property and common facilities in a strata plan, includes without limitation, a strata corporation.

“owner” means a person who has ownership, control or possession of real property, and includes without limitation: the registered owner of an estate in fee simple; the tenant for life under a registered life estate; the registered holder of the last registered agreement for sale; and in relation to common property and common facilities in a strata plan, the strata corporation.

“property” includes the whole or any part of a lot of real property and any buildings, structures or improvements affixed to the land.

“protected heritage property” means property that is

- a) designated as protected by a heritage designation bylaw, or
- b) located within a heritage conservation area, and is of the types and classes of property as follows:

- i. for the Murrayville Heritage Conservation Area, those properties having heritage value or heritage character including Scheduled Heritage Properties and those properties that are recognized on the Community Heritage Register or the Municipality's Heritage Inventory that are eligible for heritage protection under the Murrayville Heritage Conservation Area, or
- ii. for the Fort Langley Heritage Conservation Area, those properties having heritage value or heritage character including those properties that are subject to a heritage designation bylaw, subject to a heritage revitalization agreement, subject to a heritage conservation covenant, or recognized on the Community Heritage Register or the Municipality's Heritage Inventory and located within the Fort Langley Heritage Conservation Area,

and includes all buildings, structures and other improvements affixed to the land.

“routine building maintenance” means the routine, cyclical, non-destructive actions necessary to slow the deterioration of a building and includes but is not limited to periodic inspection, routine cyclical non-destructive cleaning, minor repair and refinishing operations, and the replacement of damaged or deteriorated materials that are impractical to save, but does not include removal or replacement of anything that results in a change in the design, materials, or appearance of any building, structure, architectural feature, or landscape feature.

“routine grounds maintenance” means the routine, cyclical maintenance of the grounds of a property and includes but is not limited to planting, weeding, mowing lawns and the seasonal pruning of shrubs and trees, and applies to all protected heritage property whether occupied or vacant, but does not include removal or replacement of anything that results in a change in the design, materials, or appearance of any building, structure, architectural feature, or landscape feature.

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace or attached to a building, and includes, but is not limited to, foundations or supporting framework for exterior signs, equipment and machinery, and paving.

3. Application Of Standards

Except as otherwise set out in this bylaw, the standards and requirements for property prescribed in this bylaw apply to all protected heritage property. An owner or occupier of any property not complying with all standards and requirements for such property prescribed in this bylaw, at the date of this bylaw's enactment, must bring the property into compliance with all of the applicable standards and requirements prescribed in this bylaw within three (3) months of the enactment of this bylaw.

4. Severability

If any part, section, sub-section, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this bylaw shall not be affected.

5. General Maintenance of Protected Heritage Property

An owner or occupier of protected heritage property must maintain all buildings, structures, architectural features, landscape features and grounds:

- a) in good condition and repair; and
- b) in accordance with this bylaw and all other applicable bylaws.

6. Repair and Maintenance Standards

An owner or occupier of protected heritage property must carry out all repairs and maintenance in accordance with accepted heritage conservation principles, standards and guidelines.

7. Heritage Alteration Permits

An owner or occupier of protected heritage property must not cause, permit or allow any act with respect to the protected heritage property for which a Heritage Alteration Permit is required without having first obtained a Heritage Alteration Permit.

8. Routine Maintenance and Permitting

An owner or occupier of protected heritage property must carry out routine building maintenance and routine grounds maintenance on a regular basis whether the property is occupied or vacant, subject to the following:

- a) an owner or occupier of protected heritage property or property within a heritage conservation area may carry out routine building maintenance and routine grounds maintenance without a Heritage Alteration Permit, subject to c) below;
- b) where material has deteriorated to the point that it can no longer serve its intended purpose, and replacement of the deteriorated material is therefore necessary, the owner or occupier must replace that material with the same material, or where such material is not reasonably available, then such material that is substantially similar to the original material in type, form, dimension, texture, colour, and method of installation, in accordance with accepted heritage conservation principles, standards and guidelines; and
- c) depending on the extent and type of work to be undertaken, as determined by the Municipality, in its full discretion, the owner or occupier may be required to obtain a Heritage Alteration Permit, Building Permit or other approvals from the Municipality, before commencing such work.

9. Weather and Infestation

An owner or occupier of protected heritage property must repair and maintain all buildings, structures, architectural features, landscape features and grounds so as to reasonably prevent or effectively delay damage from the elements, weather, and infestation. This maintenance includes, but is not limited to:

- a) preventing water penetration and excessive damage to materials from sun, wind, snow, frost, moisture, rot, decay or similar causes;
- b) preventing entry or infestation of lands or buildings by rodents, pests or vermin; and
- c) preventing and repairing all damage resulting from, or related to, the items or causes set out in this section.

10. Structural Integrity

An owner or occupier of protected heritage property must maintain the structure and all structural supports for all buildings and structures:

- a) in good condition and repair; and
- b) in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences to which it may be subjected.

11. Drainage Systems

An owner or occupier of protected heritage property must manage site conditions to keep buildings and structures free of seepage and flooding. This includes but is not limited to:

- a) maintaining proper site grading that slopes away from the building or structure;
- b) managing storm water in a manner acceptable to the Municipality that prevents ponding near building or structure entries and foundations; and
- c) keeping building and structure drainage systems in good condition and repair.

12. Vegetation

An owner or occupier of protected heritage property must:

- a) prevent the growth of vegetation that is damaging or could reasonably be expected to cause damage to the exterior of a building's or structure's foundation, walls or roof; and
- b) repair all damage resulting from such causes.

13. Unsafe and Unsightly Conditions

An owner or occupier of protected heritage property must maintain buildings, structures, architectural features, landscape features and grounds:

- a) clear of the accumulation of rubbish, garbage, waste, litter, debris and other noxious or offensive materials or substances that may cause a fire hazard, may act as a breeding place for vermin or insects, or may present or cause conditions that may be harmful to neighbouring properties;

- b) free from graffiti, defacement, vandalism, misuse, or any unsafe or unsightly condition; and
- c) in repair from all damage resulting from, or related to, the items or causes set out in this section.

14. Fences, Retaining Walls and Landscape Features

An owner or occupier of protected heritage property must maintain fences, retaining walls and landscape features:

- a) in good condition and repair;
- b) free of any hazards, including but not limited to, those posed by razor wire, barbed wire and other perils; and
- c) unless already resistant to deterioration, finished with a protective coating of paint or equivalent water-resistant material.

15. Foundations

An owner or occupier of protected heritage property must maintain the foundation walls of a building or structure:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks and decay; and
- c) in a state of maintenance and repair to prevent the entry of moisture into the building or structure.

16. Exterior Walls

An owner or occupier of protected heritage property must maintain the exterior walls and parapet walls of all buildings and structures, including but not limited to the building's or structure's components:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks or decay;
- c) free from loose or unsecured objects and materials; and
- d) in a state of maintenance and repair sufficient to prevent or delay deterioration due to weather or infestation.

17. Exterior Windows and Doors

An owner or occupier of protected heritage property must maintain exterior doors, windows, skylights, and other entries into a building, and their components:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks or decay;
- c) free from loose or unsecured objects and materials; and
- d) in a state of maintenance and repair sufficient to prevent or delay deterioration due to weather or infestation.

18. Roofs

An owner or occupier of protected heritage property must keep the roof of a building or structure and its flashing:

- a) in good condition and repair;
- b) weather-tight and free from leaks; and
- c) free from loose or unsecured objects and materials.

19. Gutters and Downspouts

An owner or occupier of protected heritage property must maintain gutters and downspouts that are attached to a building, structure or accessory building:

- a) in good condition and repair;
- b) water-tight and free from leaks; and
- c) in such a manner to prevent rainwater from penetrating the buildings or emptying in an uncontrolled manner upon sidewalks, driveways, stairways or landings.

20. Porches and Landings, Balconies, Stairways and Fire Escapes

An owner or occupier of protected heritage property must maintain porches and landings, balconies, stairways, fire escapes, and all components in, on, or attached to a building or structure:

- a) in good condition and repair;
- b) properly and safely anchored; and
- c) free from rust, holes, cracks, excessive wear and warping, and hazardous obstructions.

21. Architectural Features

An owner or occupier of protected heritage property must maintain the exterior architectural features of a building or structure:

- a) in good condition and repair;

- b) properly and safely anchored; and
- c) in a manner that fully protects against deterioration and decay of materials through the use of coatings, paint or other protective treatments, as appropriate for the building or structure.

22. Exterior Finishes and Painting

An owner or occupier of protected heritage property must maintain the exterior finishes of all buildings and structures on the property as necessary to protect their integrity, including but not limited to the following:

- a) paint shall be applied where appropriate to protect exterior finish materials; and
- b) new finishes or exterior paint colours must reflect the general period and style of a building or structure, and be generally in keeping with the Benjamin Moore “Historical True Colours for Western Canada” palette and local area guidelines, as may be amended or replaced.

23. Building Attachments

An owner or occupier of protected heritage property must maintain fixtures and attachments to a building or structure, including but not limited to signage, lighting, canopies and awnings, marquees, screens, grills, pipes, ducts air conditioners, and all other similar equipment, attachments, and extensions and their supporting members:

- a) in good condition and repair;
- b) properly and safely anchored; and
- c) in a manner that fully protects against deterioration and decay of materials through the use of coatings, paint or other protective treatments, as appropriate for the building or structure.

24. Extended Periods of Disuse

Every owner or occupier of protected heritage property that is unoccupied must, in addition to complying with the other requirements of this bylaw, maintain and repair unoccupied property as necessary to protect and prevent deterioration, including but not limited to, the property’s heritage character and heritage value.

Every owner or occupier of a building on protected heritage property that is left or will be left unoccupied for longer than thirty (30) consecutive days, must:

- a) ensure the property is made and kept secure against such acts, including but not limited to unauthorized entry or occupation, vandalism, fire hazard, or other intentional damage, by implementing one or more of the following measures for the protection of the protected heritage property:
 - i. securing all entries;

- ii. boarding up all windows to a standard that minimizes the potential for unauthorized entry in a manner that does not denigrate public views into the property from adjacent streets and public spaces, as follows:
 - all boards used in the covering of windows shall be installed from the exterior and shall be properly fitted in a watertight manner within the side jams, head jamb, and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding;
 - all boards shall be at minimum 12.7mm (0.5 inch) exterior grade sheet plywood secured with nails or screws spaced not greater than 304.8mm (12 inches) on centre;
 - all boards shall be painted or otherwise treated so that the colour of the plywood blends with the exterior of the building or structure; and
 - all boards shall be installed and maintained in good condition and repair.
 - iii. maintaining appropriate ventilation in boarding up to prevent damage caused by humidity;
 - iv. maintaining connections to appropriate utilities serving the building to provide, maintain, and monitor proper heating to facilitate building conservation;
 - v. posting signage to the specifications of the municipality that states “Protected Heritage Site, or Protected Heritage Conservation Area Site – No Vandalism or Removal of Materials”;
 - vi. installing security lighting on the exterior of the building or structure that does not negatively impact neighbouring properties;
 - vii. installing security fencing or other perimeter barriers to the specifications of the Municipality;
 - viii. installing a fire alarm system in accordance with the Municipality’s bylaws;
 - ix. employing security or guard patrols on such basis as required by the Municipality.
- b) notify the General Manager of Engineering and Community Development of the measures noted in sections i) through ix) above that the owner or occupier intends to implement, which notice must be made at least fourteen (14) days’ prior to the commencement of the period of time during which the building will be left unoccupied; and
- c) implement all further measures as the General Manager of Engineering and Community Development may determine to be necessary to ensure the property is made and kept secure, which determination is at the sole discretion of the General Manager of Engineering and Community Development.

Where an owner or occupier satisfies the Municipality that an unoccupied protected heritage property will not remain unoccupied for a period exceeding ninety (90) consecutive days, the General Manager of Engineering and Community Development may exempt an owner or occupier from complying with particular requirements, in order to allow the owner or occupier an opportunity to take alternative measures for the protection of the protected heritage property beyond those noted in sections 24(a)(i) through 24(a)(ix) above. Where such an exemption or approval has been granted in writing for the application of alternative measures, such exemption or approval may be withdrawn at any time by the General Manager of Engineering and Community Development upon ten (10) days' notice to the owner or occupier if, in the opinion of the General Manager of Engineering and Community Development, in his or her full discretion, the property is not being adequately protected under the measures proposed or taken by the owner or occupier.

In the case of property located in a heritage conservation area, including but not limited to protected heritage property, where it is necessary for any reason, including but not limited to reasons provided for under this bylaw, to board up windows, 6.35mm (0.25 inch) polycarbonate clear boarding shall be used in place of plywood, and shall be installed to a standard acceptable to the Municipality, in order to protect the heritage character and heritage value of the heritage conservation area.

25. Power of Entry by the Municipality

The General Manager of Engineering and Community Development is authorized to enter onto the land or premises at any reasonable time in a reasonable manner for the purpose of inspecting the property to determine compliance with this bylaw.

26. Fees for Attendance

An owner or occupier is:

- a) responsible for paying, immediately upon receipt of an invoice from the Municipality, all costs incurred or charged by the Municipality to obtain compliance with this bylaw, including but not limited to, the attendance of a building inspector, Royal Canadian Mounted Police, fire department personnel, or any other persons from or on behalf of the Municipality, at a property subject to this bylaw; and
- b) any costs not immediately paid by an owner or occupier pursuant to an invoice delivered under this section may, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the Municipality.

27. Notices and Orders

The General Manager of Engineering and Community Development has the authority to serve an order, direction or give notice or order a person:

- a) to discontinue or refrain from proceeding with any work or using or occupying any land or buildings or doing anything that contravenes this bylaw; or

- b) to carry out any work or do anything to bring any land or building into conformity with this bylaw within the time specified in such notice or order.

28. Service of Notice

The General Manager of Engineering and Community Development has the authority to serve an order, direction or notice under this bylaw by:

- a) mailing it by registered post to the owner of the protected heritage property at the address shown on the real property tax assessment roll;
- b) mailing it by registered post to the person who is the addressee of the notice;
- c) handing it to the person who is the addressee of the notice; or
- d) posting the notice on the property.

29. Offence under Bylaw

It is an offence, with liability for the penalties imposed under this bylaw, for any person to:

- a) violate or contravene any provision of this bylaw, or do any act or thing which contravenes any provision of this bylaw;
- b) neglect to do or refrain from doing anything required to be done by any provision of this bylaw; or
- c) fail to comply with an order, direction or notice given under any provision of this bylaw, or cause or permit any other person to fail to comply with an order, direction or notice given under any provision of this bylaw.

30. Offences and Penalties

Any person who commits an offence against this bylaw may, in addition to being subject to any other remedies or penalties available to the Municipality, under provincial law or otherwise, including a bylaw notice issued pursuant to the Bylaw Notice Enforcement Bylaw 2008 No. 4703, as may be amended or replaced from time to time, be subject to prosecution, and upon summary conviction, liable to penalty of not less than \$500 and not more than \$10,000, for each offence, plus the cost of prosecution, or a term of imprisonment not exceeding six (6) months, or both. Where a violation is a continuing one, each day that a violation of the bylaw occurs, or is allowed to continue, constitutes a separate offence.

31. Failure to Comply with Order or Notice

Failure by an owner or occupier to comply with these minimum maintenance standards for protected heritage property may result in an application by the Municipality to the Supreme Court of British Columbia for compliance or restoration under the *Local Government Act*, as amended or replaced.

If an owner or occupier fails to meet the requirements of this bylaw, the Municipality, and its appointed agents and contractors, may and is authorized to:

- a) enter onto the property to carry out the work necessary to comply with the order or notice, all at the expense of the owner or occupier;
- b) be at liberty to recover the costs in a like manner as Municipal property taxes on the lands; and
- c) recover its costs equally from the lots so created, if the property has been subdivided.

32. Conflict with Other Applicable Heritage Bylaws

If there is a conflict between this bylaw and an applicable bylaw, including a relevant heritage designation bylaw or heritage conservation area bylaw, this bylaw shall take precedence to the extent that it provides for the maintenance and preservation of protected heritage property.

33. Force and Effect

This bylaw is to come into force and take effect on the date of its enactment.

READ A FIRST TIME the	11	day of	June	, 2018.
READ A SECOND TIME the	11	day of	June	, 2018.
READ A THIRD TIME the	11	day of	June	, 2018.
PUBLIC INPUT OPPORTUNITY		day of		, 2018.
RECONSIDERED AND ADOPTED the		day of		, 2018.

_____ Mayor _____ Township Clerk

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703
AMENDMENT BYLAW 2018 NO. 5377

EXPLANATORY NOTE

Bylaw 2018 No. 5377 updates the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 to permit a violation of the Township of Langley Heritage Property Maintenance Standards Bylaw 2018 No. 5376 to be addressed through the issuance of a bylaw notice.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703
AMENDMENT BYLAW 2018 NO. 5377

A Bylaw to Amend the Bylaw Notice Enforcement Bylaw 2008 No. 4703

WHEREAS it is deemed necessary and desirable to permit a violation of the Township of Langley Heritage Property Maintenance Standards Bylaw 2018 No. 5376 to be addressed through the issuance of a bylaw notice;

AND WHEREAS Council has adopted the Township of Langley Heritage Property Maintenance Standards Bylaw 2018 No. 5376;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw No. 5377”.
2. The Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 as amended is further amended by:
 1. Adding the following as part of Schedule “A”:

Township of Langley Heritage Property Maintenance Standards Bylaw 2018 No. 5376 (the “Bylaw”)

Column 1 Offence	Column 2 Bylaw Section	Column 3 Fine
Failure to maintain protected buildings and grounds in good condition and repair and in accordance with this bylaw	5	\$250
Failure to repair protected heritage property in accordance with accepted heritage conservation principles, standards and guidelines	6	\$500
Failure to prevent work on protected heritage property for which a Heritage Alteration Permit is required without first obtaining permit	7	\$500
Failure to carry out routine building maintenance and routine grounds maintenance	8	\$250
Failure to prevent or repair damage caused by weather	9 a)	\$250
Failure to prevent or remove infestation or repair damage caused by infestation	9 b)	\$250
Failure to maintain the structure and all structural supports for all buildings and structures	10	\$500

Failure to manage site conditions to keep buildings and structures free of seepage and flooding	11	\$250
Failure to prevent or repair damage to protected heritage property caused by vegetation	12	\$250
Failure to address unsafe and unsightly conditions and repair all damage resulting from such causes	13	\$250
Failure to maintain fences, retaining walls and landscape features	14	\$250
Failure to maintain foundations	15	\$250
Failure to maintain exterior walls and parapet walls	16	\$250
Failure to maintain exterior windows and doors	17	\$250
Failure to maintain roofs and flashings	18	\$250
Failure to maintain gutters and downspouts	19	\$250
Failure to maintain porches and landings, balconies, stairways and fire escapes	20	\$250
Failure to maintain architectural features	21	\$250
Failure to maintain exterior finishes	22	\$250
Failure to maintain building fixtures and attachments	23	\$250
Failure to comply with extended periods of disuse requirements	24	\$250
Failure to comply with order or notice	31	\$500

READ A FIRST TIME the 11 day of June , 2018.
 READ A SECOND TIME the 11 day of June , 2018.
 READ A THIRD TIME the 11 day of June , 2018.
 RECONSIDERED AND ADOPTED the day of , 2018.

_____ Mayor _____ Township Clerk

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED:	JUNE 11, 2018 – REGULAR EVENING MEETING	REPORT:	18-68
FROM:	COMMUNITY DEVELOPMENT DIVISION	FILE:	6800-03
SUBJECT:	HERITAGE PROPERTY MAINTENANCE STANDARDS		

RECOMMENDATION:

That Council give first, second and third reading to Heritage Property Maintenance Standards Bylaw 2018 No. 5376 and to Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2018 No. 5377.

EXECUTIVE SUMMARY:

For several years now, the Heritage Advisory Committee has had discussions regarding how heritage properties can be better protected following review of the Noel Booth Store and Gas Station in 2014 where the consequences of lack of maintenance and misuse contributed to the irreversible dereliction of two of the three buildings that comprised the site.

To address maintenance concerns for protected heritage resources, a local government is authorized, under Section 616 of the Local Government Act, to establish minimum maintenance requirements for real property that is designated or located within a heritage conservation area. Although Heritage Property Maintenance Standards, enacted in the form of a bylaw, are common to many cities and municipalities around the province, the Township does not currently have such a bylaw in place, and therefore has no authority to impose minimum maintenance standards on properties protected by heritage designation. Key provisions of a Heritage Property Maintenance Bylaw pertain to keeping buildings weatherproofed, protecting them from infestations, maintaining their structural integrity, and managing drainage, vegetation and extended periods of disuse.

The proposed Heritage Property Maintenance Standards Bylaw, along with the proposed amendment to the Bylaw Notice Enforcement Bylaw outlining offences and fines under the former to assist with enforcement, are presented to Council for consideration based on a resolution from the Heritage Advisory Committee recommending Council support. More specifically, the Heritage Advisory Committee recommends Council adopt the Heritage Property Maintenance Standards Bylaw. The adoption of maintenance standards for protected properties aligns with the goals and objectives for the practice of heritage conservation in the Township.

PURPOSE:

This report is in response to a resolution from the Heritage Advisory Committee to bring forward for Council's consideration Heritage Property Maintenance Standards Bylaw 2018, No 5376 and Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2018 No. 5377, to establish minimum requirements for the care and maintenance of designated heritage properties in the Township.

HERITAGE PROPERTY MAINTENANCE STANDARDS

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BACKGROUND/HISTORY:

For several years now, the Heritage Advisory Committee has had discussions regarding how heritage properties can be better protected from reaching a derelict state. Discussion initially arose in 2014 during the review of the historic Noel Booth Store and Gas Station in Ferridge where it was observed that the consequences of lack of maintenance and misuse ultimately contributed to the irreversible condition and demolition of two of the three buildings that comprised the site. Since that time, the matter has been of primary concern for the Committee, and its subsequent review of an As-found report prepared for the Dobie Residence in Willoughby at its January 3, 2018 meeting raised the question again, with respect to how buildings can be protected from reaching an irreversible state of disrepair. In response to this concern a need to explore ways to better protect the long-term viability of heritage sites was identified and included in the Committee's 2018 Work Plan.

At its February 7, 2018 meeting, the Committee passed a motion to permanently remove the First Smith Residence from the Heritage Inventory, after receiving a first hand look at how a building can disintegrate and structurally fail over time, when no steps were taken to slow natural disintegrative processes through the most minimal gestures. The final collapse of this 1885 structure, which was among the oldest remaining early settlement buildings in the Township, was an outcome of being in a state of disrepair for over forty years.



On March 7, 2018, the Committee received a staff presentation on the tools available to local governments under the heritage conservation provisions of the Local Government Act to address issues related to the maintenance of heritage sites, with a focus on Heritage Property Maintenance Standards, as the primary instrument available. At the same meeting, the Committee requested that staff prepare a preliminary draft of a Heritage Property Maintenance Standards Bylaw tailored to Langley's historic sites and areas for further discussion on April 4, 2018.

On May 2, 2018, the Heritage Advisory Committee passed a motion supporting a revised draft of the Heritage Maintenance Standards Bylaw along with a draft amendment to Bylaw Notice Enforcement Bylaw outlining offences and fines under the former to assist with enforcement, and passed a motion recommending that Council adopt the bylaw and its accompanying amendment.

DISCUSSION/ANALYSIS:**Designated Heritage Sites and Areas in the Township**

Heritage designation is a form of land use regulation that provides long-term legal protection for a heritage property. It can be placed on a property to protect a building, structure, or other heritage feature, with or without an owner's consent. It can prohibit exterior alterations, the moving of a structure, or other actions that would damage a resource's protected features and requires that

HERITAGE PROPERTY MAINTENANCE STANDARDS

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owners of designated properties obtain a permit to make changes. Currently there are twenty-seven individually designated properties under public or private ownership in the Township, with several pending as part of current development application processes.

Similarly, the designation of heritage conservation areas provides long-term legal protection for a distinct area with special heritage value or heritage character within an official community plan. Major additions to buildings, new construction, subdivision of land, or demolition, within the defined area require a permit. There are presently two heritage conservation areas in the Township, in Fort Langley and in Murrayville, which together encompass forty-one properties that have been identified or protected for their heritage value or character based on their respective community plans.

The Role of Maintenance in the Long-term Conservation of Heritage Assets

The act of designating a heritage resource by bylaw does not in itself ensure protection for that resource, as it contains no mechanism to manage it in a manner that contributes to its long-term preservation. Unlike a Heritage Revitalization Agreement, heritage designation does not include a conservation plan or maintenance strategy. Given that all heritage resources are vulnerable to change, the lack of enforcement options for protected heritage property that is subject to a heritage designation bylaw, or is within a heritage conservation area, are at risk of deterioration, vacancy and neglect.

Proper maintenance is recognized as the most cost effective method of extending the life of a building, and the survival of historic buildings in good condition is primarily a matter of regular upkeep. The most minimal maintenance can aid in protecting all the components of a building against deterioration through keeping water (which is the single most destructive element for a heritage building) out of a building, reducing the impact of weather, including sun, wind, frost and snow, and preventing damage by insects and vermin. The effort and expense expended on maintenance not only leads to a higher degree of preservation, but over time potentially saves large amounts of money that may otherwise be used for later upgrades.

Heritage Property Maintenance Standards

To address maintenance concerns surrounding designated heritage buildings and resources, a local government is authorized under Section 616 of the Local Government Act to establish minimum maintenance requirements for real property, which includes both land and improvements, that is designated or located within a heritage conservation area. These Heritage Property Maintenance Standards, enacted in the form of a bylaw, can ensure that properties are not allowed to deteriorate through neglect by setting minimum requirements for their care and maintenance. The fact that the recognition or designation of heritage resources is not enough in itself to protect a resource without accompanying requirements to maintain a property to minimum levels provides the rationale for such standards. Their purpose is to communicate to property owners the minimum expectations of local government regarding the maintenance of designated heritage properties, ensure that properties are not permitted to deteriorate through neglect, and enable local government to levy fines and apply to court for a maintenance order. They are typically applied in situations where buildings fall below an acceptable level of maintenance and safety in order to prevent what is frequently referred to as “demolition through dereliction”.

Although Heritage Property Maintenance Standards are common to many cities and municipalities around the province, the Township does not currently have such a bylaw in place, and therefore has no authority to impose maintenance standards on heritage properties protected by heritage designation.

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Minimum Maintenance

Heritage Property Maintenance Standards are based on the definition of “minimum maintenance”, which is defined as the routine, cyclical, non-destructive actions necessary to slow the deterioration of a building, structure or general grounds. Minimum maintenance does not include removal or replacement of any aspect of the resource that results in a change in the design, materials, or appearance of any building, structure, architectural feature, or landscape feature for which a permit may be required.

Key provisions of the bylaw pertain to keeping buildings weatherproofed, protecting them from infestations, maintaining their structural integrity, and managing site issues such as drainage, vegetation and extended periods of disuse. The bylaw additionally outlines minimum maintenance requirements for the various components that comprise a building or structure, including its foundations, exterior walls, exterior windows and doors, roofs, gutters and downspouts, building components, architectural features, and exterior finishes, and makes provision for inspections, fines, and remedy in problem situations.

It is equally important to note that Heritage Property Maintenance Standards cannot compel an owner or occupier to improve a property beyond that defined in the maintenance standards.

Protected Heritage Property

For the purposes of the subject bylaw “protected heritage property” means property that is designated as protected by a heritage designation bylaw, or located within a heritage conservation area. In accordance with provincial legislation, the maintenance standards act as a conservation instrument that can be applied to special classes of properties that have heritage value or character within a heritage conservation area. Consistent with the respective community plan policies for these areas in the Township, protected heritage property means:

- a) those properties having heritage value or heritage character including Scheduled Heritage Properties and those properties that are recognized on the Community Heritage Register or the Municipality’s Heritage Inventory that are eligible for heritage protection under the Murrayville Heritage Conservation Area; or
- b) those properties having heritage value or heritage character including those properties that are subject to a heritage designation bylaw, heritage revitalization agreement or heritage conservation covenant, or are recognized on the Community Heritage Register or the Municipality’s Heritage Inventory located within the Fort Langley Heritage Conservation Area.

Financial Support for the Maintenance of Protected Heritage Property

In accordance with the Local Government Act, a property owner who receives a heritage grant can be required to comply with Heritage Property Maintenance Standards where the property is protected by a heritage designation bylaw or within a heritage conservation area. Although not the subject of this report, it is important to note that partnering funds to support the exterior maintenance of protected heritage buildings is available through the Township’s Heritage Building Incentive Grant Program, which currently exists to assist private owners of heritage properties with the costs of restoration, repair and maintenance of heritage buildings.

Under the existing grant policy, aspects of minimum maintenance for specific exterior components of buildings outlined in the subject bylaw would be eligible for a grant with the exception of those costs associated with grounds maintenance and periods of disuse. Given that only minimum

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maintenance would be required in exceptional situations and that funds are available to support such efforts, maintenance requirements should not be viewed as onerous. Most owners maintain their heritage buildings to a very high standard, and apply for the grants to undertake conservation work that enhances their property. Nevertheless, the grant program exists to assist with the costs of all exterior maintenance work and would certainly include minimum levels of maintenance for protected heritage property as noted above.

Heritage Buildings in Transition

An additional benefit of having a bylaw of this nature in place is the security it could provide in addressing heritage buildings destined for restoration throughout their transition period. There are several vacant heritage buildings currently awaiting restoration as part of development projects in the Township in the communities of Latimer, Willoughby and Murrayville. In cases such as these, entering into an interim Section 219 covenant with the owner to meet minimum standards of maintenance during the development application process, which can often extend for years, would contribute to minimizing their deterioration and reducing the ever-present risk associated with misuse, loss and life safety. As with a covenant, compliance with a Heritage Property Maintenance Standards Bylaw could also be included in Heritage Revitalization Agreements.

Although the Township's Abandoned Properties Bylaw 2005 No. 4401 can apply to buildings in this circumstance, it is important to note that no provisions exist in this bylaw to require actions related to heritage preservation, such as addressing the structural stability of a building when it is unoccupied, leaving these buildings that are destined for preservation at risk.

Applicable Policies

The proposed Heritage Property Maintenance Standards bylaw and accompanying amendment to Bylaw Notice Enforcement Bylaw 2008 No 4703, aligns with the overall policy framework for the practice of heritage conservation in Township, as follows:

- The Standards & Guidelines for the Conservation of Historic Places in Canada, endorsed for use in the Township by Council in 2012, which outlines best practices and processes for intervening with historic sites and recommendations for their maintenance;
- The Local Government Act, which provides the overall legal framework and tools for heritage conservation in BC;
- The Township of Langley's Sustainability Charter, which identifies the goal of celebrating our heritage through the conservation of heritage resources;
- The Township of Langley's Official Community Plan, which outlines policies and objectives for protecting and managing heritage resources; and
- The Township of Langley's Heritage Strategy – Action 4.1 that provides for the preservation and protection of historic resources in the Township.

Respectfully submitted,

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for
COMMUNITY DEVELOPMENT DIVISION