



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 154-2012

To amend By-law 104-96, as amended,
Minimum Maintenance By-law (Property Standards)

WHEREAS under subsection 15.1(3) of the *Building Code Act*, 1992, c.23, Council of The Corporation of the City of Brampton has enacted Minimum Maintenance By-law 104-96 (Property Standards), as amended, which prescribes the minimum standards for the maintenance and occupancy of property within the municipality;

AND WHEREAS under Sections 35.3 and 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c.0.18, as amended, a by-law may be passed by the Council of a municipality prescribing the minimum standards for the maintenance of the heritage attributes of designated heritage properties or properties situated in a heritage conservation district provided that a by-law passed under Section 15.1 of the *Building Code Act*, 1992 is in effect in the municipality; and

AND WHEREAS the Council of The Corporation of the City of Brampton is desirous of amending the Minimum Maintenance By-law 104-96 (Property Standards), as amended, to include minimum standard provisions for designated heritage properties pursuant to subsections 35.3 and 45.1 of the *Ontario Heritage Act* that either are or appear to be vacant, partially vacant, or unoccupied for more than ninety (90) days;

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby ENACTS as follows:

THAT By-law 104-96, as amended, is hereby further amended:

- 1) By adding the following definitions to Part I – Definitions:
 - a. "Building Code Act" shall mean the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, and any successor legislation;
 - b. "Heritage Property" means real property, including all buildings and structures thereon:
 - i. that has been designated by the City of Brampton under Section 29 of the *Ontario Heritage Act*, or that has been designated by the Minister under Section 34.5 of the *Ontario Heritage Act*; or
 - ii. that is located within a heritage conservation district which has been designated by the City of Brampton or any of its former municipalities under Section 41 of the *Ontario Heritage Act*;

- c. "Heritage Attribute" means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:
- i. in a by-law designating a property passed under Section 29 of the *Ontario Heritage Act*, and identified as a heritage attribute, value, reason for designation or otherwise; or
 - ii. in a Minister's order made pursuant to Section 34.5, Part IV of the *Ontario Heritage Act* and identified as a heritage attribute, value, reason for designation or otherwise; or
 - iii. in a by-law designating a heritage conservation district passed under Section 41, Part V of the *Ontario Heritage Act* and identified as a heritage attribute, value reason for designation or otherwise; or
 - iv. 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 a heritage attribute, value, reason for designation or otherwise; or
 - v. 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 attributes and without which the heritage attributes may be at risk.
- d. "Heritage Coordinator" shall mean a Heritage Coordinator of the City of Brampton.
- e. "*Ontario Heritage Act*" shall mean the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 as amended, and any successor legislation.
- f. "Vacant Heritage Property" shall include any buildings and structures located on property designated under Section 29 or 34.5 of the *Ontario Heritage Act*, any property situated within a heritage conservation district designated under section 41 of the *Ontario Heritage Act* and either is or appears to an Inspector to be vacant, partially vacant, or unoccupied for more than ninety (90) days.
- 2) By renumbering 'Part V - Vacant Land' to 'Part VI - Vacant Land'.
- 3) By renumbering 'Part VI – Penalties' to 'Part VII - Penalties'.
- 4) By inserting a new 'Part V - Heritage Buildings', which will read:
50. In addition to the minimum standards for the maintenance and security of property in the City as set out in this By-law, the following minimum standards listed in Sections 51 to 60 apply to the maintenance and security of all buildings and structures on properties that are:
- a) designated under Section 29 or 34.5 of the *Ontario Heritage Act*; or
 - b) situated within a heritage conservation district, designated under Section 41 of the *Ontario Heritage Act*.
51. The Owner of a Vacant Heritage Property shall protect the Heritage Attributes of the property against the risk of fire, storm, neglect,

intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building of the Vacant Heritage Property. Securing heritage resources shall comply with the following requirements:

- a) All boarding must be ½ inch S.P.F. exterior grade plywood (not particle board, fibre board or other forms of board sheathing);
- b) Boarding must be cut to completely and securely fit within all exterior structural openings;
- c) All boarding shall be maintained in good repair;
- d) All boarding shall be installed from the exterior;
- e) All boarding shall be fastened using wood screws only. Screws must be at least #8 gauge, countersunk and not less than 3 inches in length. Each screw shall be spaced not more than 3 inches on centre around the entire perimeter of each plywood board;
- f) All boarding shall be fitted securely and in a watertight manner to fit 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, and so as not to be easily detached by hand;
- g) All boarding used on windows and door openings shall be painted using exterior grade paint in a matt black;
- h) All other boarding shall be painted using exterior grade paint in a colour that blends with the exterior of the building or structure;
- i) Interior doors, except those in fire separations, should be fixed ajar at least 4 inches to allow air to circulate throughout in order to help prevent interior deterioration through excess humidity;
- j) Where a structural opening is irregular in shape or unusually large, alternate security measures shall be required to adequately secure these openings, such as steel mesh screening, grills, security bars or cross-bracing over plywood;
- k) If the aforementioned measures prove insufficient to secure openings, additional augmentation measures shall be required, consisting of the installation of steel mesh enclosures or steel panels over all boarded ground floor openings; and
- l) The exterior shall be maintained in order to prevent moisture penetration and damage from the elements that may have an adverse impact on the heritage attributes.

52. The Owner of a Vacant Heritage Property shall ensure that all utilities serving the building are properly disconnected, terminated,

or capped, unless such utilities are necessary for the safety and security of the property, or unless such utilities are otherwise required by law to remain connected.

53. The Owner of a Vacant Heritage Property shall ensure that the following security measures are taken with respect to the building or structure:

- a) Lock all doors and windows and ensure on-going maintenance;
- b) Close all basement hatches, openings, walkways and windows;
- c) Remove ladders, tools, equipment and other materials that might be used to gain interior access;
- d) Remove rubbish, garbage, parts of vehicles and other equipment, discarded furniture, appliances, machinery and debris from inside buildings and structures and from around the property;
- e) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the Vacant Heritage Property;
- f) Significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines and other vegetation on grounds surrounding vacant heritage buildings, structures and other resources shall be maintained and protected at all times in accordance with all relevant City by-laws;
- g) Chain-off driveways and all other direct means of vehicular access to the property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable;
- h) Temporary metal security fencing may be required around the perimeter of a Vacant Heritage Property. The fence shall be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high-security pad locks. Barbed wire (minimum of two strands) shall be installed along the perimeter of each fence, projecting inward toward the area that is enclosed by the fence.

54. The Owner of a Vacant Heritage Property shall:

- a) Post "No Trespassing" signs on all exterior elevations, including all points of access to the property, and on gates and property fencing; and
- b) Post a heritage notice that complies with City planning application graphics and signage standards and states:

HERITAGE NOTICE

The structure on this property is a designated heritage resource protected under the Ontario Heritage Act and applicable municipal law. Please help us conserve our heritage.

For more information contact City Heritage staff at 905-874-3825 or 905-874-3744.

Heritage Attributes

55. In addition to all of the requirements and minimum standards for the maintenance, and security of property set out in this Part V and elsewhere in this By-law, the Owner of a Heritage Property and shall:

- a) maintain, preserve and protect the Heritage Attributes so maintain the heritage character, visual and structural heritage integrity of the building or structure; and
- b) maintain the property in a manner that will ensure the on-going protection and preservation of the existing Heritage Attributes.

Alterations of Heritage Attributes

56. Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act*, no owner shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's Heritage Attributes, unless the owner has acquired a heritage permit or other form of written consent from the City of Brampton.

57. Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act*, no owner shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's Heritage Attributes, unless the owner has acquired a heritage permit or other form of written consent from the City of Brampton.

Repair or Replacement of Heritage Attributes

58. In order to maintain, preserve and protect the Heritage Attributes of a Heritage Property, repair is always preferable to removal or replacement. The Heritage Attributes shall be repaired in a manner that:

- a) minimizes damage to Heritage Attributes;
- b) maintains the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attributes; and
- c) is consistent with recognized conservation standards, best practices and processes for the conservation of built heritage resources.

59. Despite any other provisions of this By-law, where it can be demonstrated that the Heritage Attributes of a property cannot be repaired, the Heritage Attributes shall be replaced:

- a) using the same types of materials, design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attribute(s) being replaced.
- b) where the same types of materials as the original are no longer readily available, alternative or substitute materials and finishes, that generally replicate the design, finishes, form, physical

appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attributes may be used.

Demolition

60. Despite any other provision of this chapter, or the *Building Code Act*, 1992, no building or structure located on property that has been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act* may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.
61. Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations and provided and maintained with a suitable ground cover.

Conflict

62. If there is a conflict between this Part V and any other provision in this By-law or any other City By-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN
COUNCIL THIS *6th* DAY OF *June*, 2012.

Approved as
to form:

May 27/12

[Signature]
SUSAN FENNELL - MAYOR

[Signature]
PETER FAY - CLERK

Approved as to Content:

[Signature]
Michael Won, Director, Development Engineering Services