

Heritage Building Protection Plan: Terms of Reference

1. INTRODUCTION

1.1 Intent of the Heritage Building Protection plan (HBPP)

All significant heritage buildings identified for retention on lands where a planning application is anticipated shall be maintained and secured at all times, particularly if the subject building is vacant or where vacancy is anticipated.

A Heritage Building Protection Plan (HBPP) is required to ensure that reasonable and prudent security measures are evaluated and consistently applied to protect vacant heritage buildings.

A HBPP is also required to ensure that critical stabilization and repair measures, necessary to delay or halt deterioration of building envelope and heritage fabric, are executed in a timely manner – regardless of occupancy status.

1.2 Guiding Principles

The guiding principles for the preparation of Heritage Building Protection plans are respect for documentary evidence, original location, historic materials, original building fabric, building's history, reversibility, legibility and maintenance.

2. SCOPE

A HBPP is required if a heritage resource is present on the lands subject to a development application and shall be applied to:

- a) any designated heritage buildings and structures pursuant to Section 27 (1.1) of the *Ontario Heritage Act*, or
- b) any non-designated (listed) heritage buildings and structures pursuant to Section 27 (1.2) of the *Ontario Heritage Act*.

3. PROTECTION OF HERITAGE BUILDINGS PRIOR TO AN APPLICATION

There is often a lengthy period between acquisition of land for future redevelopment and formal submission of a planning application. Heritage buildings can be vulnerable to

neglect and loss during this interim period, particularly if the building is already vacant or becomes vacant at a later date.

If a listed or designated heritage building is situated on lands acquired for future re-development, the City encourages landowners to consult with City staff on the recommended measures in the City's *Guidelines for Securing Vacant Heritage Buildings* that should be implemented to secure and maintain the heritage building.

The consultation should take place as soon as possible following transfer of title for the subject lands containing the heritage buildings or structures or upon request by the City of Brampton.

4. PREPARATION AND IMPLEMENTATION OF A HERITAGE BUILDING PROTECTION PLAN

4.1 When an HBPP is Prepared

Pursuant to Brampton Official Plan Amendment 2006-057 and Sections 34 (10.2 and 10.3) of the *Ontario Planning Act*, the submission of a "Heritage Building Protection Plan" shall be required to constitute a complete planning application where lands subject to a planning application are occupied by buildings that exhibit cultural heritage value or interest and are included in the Municipal Register pursuant to Section 27 (1.1) or (1.2) of the *Ontario Heritage Act*.

In most instances the submission of a HBPP shall be prepared as part of a Heritage Impact Assessment (HIA). A HBPP may also be submitted as a 'stand-alone' document.

4.2 Who Prepares the Plan

Owners shall retain a qualified heritage consultant to prepare and execute a HBPP. Heritage consultants must be active members in good standing with the Canadian Association of Heritage Professionals (CAHP).

4.3 Timing of the Plan

If a HBPP is submitted as part of a complete land use planning application, the plan shall be fully executed within 3 months following approval by the City. Extensions to these time frames shall be permitted only if agreed to in writing by the City of Brampton.

The City shall be notified immediately following a change in the occupancy of any building subject to a HBPP.

4.4 Duration of the Plan

The HBPP shall run with the subject property for the duration of any corresponding planning review and approval process and shall not expire until the final disposition of the identified heritage buildings and structures on the subject property has been satisfied under the terms and conditions of an approved mitigation, conservation and/or adaptive reuse plan.

5. REQUIRED COMPONENTS OF HERITAGE BUILDING PROTECTION PLANS

A HBPP shall include the following sections (unless the information required in that section is provided in the HIA):

- Description of All Buildings and Structures: Description of all buildings and structures sufficient to adequately identify and locate them.
- Baseline Documentation Report: All standing heritage buildings and structures shall be professionally documented through rendering of measured drawings of elevations, floor plans, heritage building fabric, details and finishes and high resolution photographs. Photos shall be highest possible resolution in jpeg or tiff formats and must thoroughly document the building(s), context, landscape elements, trees and setting, all exterior elevations and interior spaces, detailing, finishes and characteristics.

Upon completion of any significant alterations or maintenance the City may at its option require an update to the baseline documentation report, where the updated report accurately depicts the alterations.

- Preventive Maintenance / Stabilization Plan: A plan that identifies and prioritizes critical, short-term building maintenance and stabilization requirements necessary to halt or delay deterioration or loss of building and heritage fabric.
- Security Plan for Vacant Buildings and Structures: The Owner shall assess and outline all measures necessary to secure any vacant buildings or structures subject to a HBPP or any buildings where vacancy is anticipated.
- Proof of Insurance: Proof of insurance in accordance with the requirements contained within these terms of reference.

6. PREVENTATIVE MAINTENANCE AND STABILIZATION

The Owner shall assess and prepare an on-going building inspection and preventative maintenance program for all buildings subject to a HBPP to ensure that routine property

and building maintenance issues are identified and addressed regularly, effectively and promptly.

The preparation and execution of a scheduled inspection, monitoring and maintenance checklist tailored to the each building or structure subject to a HBPP is recommended.

Preventive maintenance shall be undertaken in accordance with recognized standards and practices in built heritage conservation. If the building is vacant, the maintenance program should also include the maintenance elements prescribed in the City's *Guidelines for Securing Vacant Heritage Buildings*. A heritage permit may be required for certain works if the building is subject to a heritage designation.

7. SECURITY PLAN FOR VACANT BUILDINGS AND STRUCTURES

If the designated building is vacant or if vacancy is anticipated, the HBPP must focus on security provisions specific to the designated property. This is in addition to required preventive maintenance and care required to ensure the building is structurally sound and protected.

The security measures to be implemented must be in strict accordance with the City's *Guidelines for Securing Vacant Heritage Buildings* along with the *Minimum Maintenance (Property Standards) By-law* of the City of Brampton and the *Ontario Fire Code*.

8. INSURANCE REQUIREMENTS

The Owner shall, at all times, keep any building or structure subject to a HBPP adequately insured against normal perils that are coverable by a fire and extended coverage insurance policy in an amount equal to the actual cash value of the building. The terms "fire and extended coverage" and "actual cash value" are intended to be used as generally understood within the insurance industry. If the applicant can demonstrate that coverage for certain risks are not commercially available for a vacant building these coverages may be excluded subject to approval by the City.

Proof of insurance shall be provided with a HBPP.

9. FINANCIAL SECURITIES

A portion of the securities submitted for the development application at the time of approval may be reserved for the protection of the resource. The City reserves the right to not release a portion of the securities until the conservation or adaptive re-use plan is satisfactorily implemented.

9.1 Security Amount

The amount reserved shall be equal to the cost to complete the commemoration and other works required in the event of the total loss of the building as identified in the HBPP.

9.2 Release of Securities

Upon satisfactory completion and expiry of the HBPP, the Owner may apply for a release of the securities held by the City.

Prior to the release of the Letter of Credit the applicant may be required to provide evidence and documentation that terms and conditions have been implemented in good faith, as per the approved HBPP and conservation or adaptive re-use plan.

Final release is subject to sign-off by Director of Community Design that all obligations have been met.

10. REQUIREMENTS IN THE EVENT OF DAMAGE TO A BUILDING

The HBPP will identify the requirements in the event of damage to a building based on the provisions of this section. In the event of damage to a building, the Owner will be required to fulfill the requirements as established in the HBPP. If the damage occurs before approval of the application, conditions may be attached to the approval requiring the fulfillment of these obligations. After approval, the City reserves the right to use the portion of the securities reserved for the protection of the resource for the fulfillment of the obligations.

10.1 Requirements in the Event of Partial Damage

In the event of partial damage to the subject heritage building, the Owner shall return the building to a safe, repaired, protected, weather-tight and secure condition. Such works shall take place forthwith after the damage has occurred.

The Owner shall be required to promptly and adequately complete repairs to any building or structure subject to a HBPP in the event that it is damaged by fire, flood, vandalism or other insured perils.

10.2 Requirements in the Event of a Total Loss

In the event that a building or structure subject to a HBPP is totally destroyed, the Owner shall be required to undertake the following:

- a) Documentation: Professional documentation of the heritage resource shall be provided to the satisfaction of the City of Brampton. City heritage staff shall be invited to be present during key phases of the cleanup of the site to document any additional information or detail that may be revealed.
- b) Salvaging of Materials: Where important architectural heritage elements can be salvaged, the owner shall be responsible for salvaging the materials, storing them, and integrating them into a commemorative feature to the satisfaction of the City of Brampton.
- c) Commemoration: In addition to commemoration with the use of salvaged materials, the owner may also be required to commemorate the resource with plaques or the naming of parks, streets, or other features in the development.

11. OWNER'S OBLIGATIONS UNDER PLAN

The Owner shall at all times maintain buildings and structures subject to a HBPP in as good and sound a state of repair as a prudent Owner would normally do, so that no deterioration in the condition and appearance of buildings and structures shall take place except for reasonable wear and tear.

The Owner's obligation to maintain the buildings and structures shall require that the Owner undertake such routine, preventative maintenance, repair, stabilization and replacement whenever necessary to maintain and secure the buildings and structures in substantially the same or superior physical condition and state of repair as that existing on the date of this Plan or where applicable as shown in an updated baseline documentation and condition assessment reports.

The Owner shall take all necessary measures to adequately secure and protect the buildings and structures subject to a HBPP from vandalism, trespass, fire and inclement weather.

The Owner shall ensure that the any buildings subject to a HBPP are actively monitored and inspected regularly.

The Owner shall also maintain any landscape features that form part of the heritage significance in good condition and appearance and shall not substantially alter those landscape features or allow their neglect to negatively impact the appearance of the property or the fabric of built structures. Landscape features include but are not limited to trees, shrubs, lawns and other plantings, water features, vistas, view planes, walkways, paths, retaining walls, structures and other improvements.

11.1 Implementation

The Owner shall ensure that all components of the Plan are implemented to the satisfaction of the Commissioner, at the Owner's sole cost and expense.

11.2 Changes to Plans

The Owner agrees that any change to or deviation from the Plan shall be approved by the Commissioner.

11.3 Securing Guidelines

The Owner must acknowledge that he/she has read the City's Guidelines for Securing Vacant Heritage Buildings, and the Owner agrees to abide in good faith by such guidelines, at the cost of the Owner.

11.4 Notification

The Owner shall notify the Commissioner of any damage or destruction, imminent damage or destruction, and/or changes in occupancy status on the Property as soon as reasonably possible after it has come to the Owner's attention.

11.5 Form of Notices and Communications

Any notice or other communication required or permitted to be given by this Plan shall be in writing and shall be effectively given if:

- a) delivered personally;
- b) sent by prepaid courier service;
- c) sent by registered mail; or sent by fax, followed by a mail delivery;
- d) sent by electronic mail.

11.6 Standards

The Owner, in carrying out their respective responsibilities and duties under a HBPP shall, where applicable, be guided by the conservation standards and guidelines set out in Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* as revised from time to time.

11.7 Demolition

The Owner acknowledges that any application for demolition of any buildings or structures subject to the Plan remains subject to the requirements of the Ontario Heritage Act, the Ontario Building Code Act and other applicable by-laws or legislation.

12. NON-COMPLIANCE

Failure to submit or execute a HBPP to the satisfaction of the Commissioner of Planning, Design and Development may result in the following:

- Refusal of City to process the land use planning application for the subject lands;
- Issuance of Compliance Orders under the Minimum Maintenance (Property Standards) By-law or Ontario Fire Code;
- Prosecution under the Ontario Heritage Act, Ontario Fire Code, Minimum Maintenance (Property Standards) By-law, Ontario Building Code Act;
- Retention of financial securities and application of securities to complete necessary repairs to buildings and structures subject to HBPP.

13. OTHER APPLICABLE BY-LAWS AND CODES

The City of Brampton shall not tolerate demolition by neglect. Notwithstanding requirements for a HBPP, the Minimum Maintenance (Property Standards) By-law, Ontario Fire Code, the City of Brampton Guidelines for Securing Vacant Heritage Buildings and any other applicable laws shall be applied in good faith by all landowners with regard to listed and designated heritage buildings. Landowners shall adhere to all specifications and requirements of the applicable by-laws and codes at all times.

14. RELATED DOCUMENTS:

Guidelines for Preparing Heritage Impact Assessments – City of Brampton.

Guidelines for Security Vacant Heritage Buildings – City of Brampton.

Maintenance By-law (Property Standards) – City of Brampton.