

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.

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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

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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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HERITAGE PLANNER
for
COMMUNITY DEVELOPMENT DIVISION