

Heritage Property Standards of Maintenance

By-law No. 11351

[Consolidated for convenience only]

A By-law prescribing minimum standards and regulations for the repair and maintenance of heritage property.

WHEREAS Section 596 of the *Vancouver Charter* authorizes the Council of the City of Vancouver (hereinafter “the Council”) to establish minimum standards for the maintenance of protected heritage property and property that is within a heritage conservation area;

AND WHEREAS the Council wishes to ensure that protected heritage property and property that is within a heritage conservation area is preserved for future generations and does not deteriorate due to lack of repair, maintenance and conservation;

AND WHEREAS protected heritage property and property that is within a heritage conservation area requires reasonable repair and maintenance by owners or occupiers in order to be protected and conserved;

AND WHEREAS Council wishes to supplement the general maintenance standards that are already in effect in the City of Vancouver, with specific maintenance standards intended to apply to protected heritage property and property that is within a heritage conservation area;

NOW THEREFORE, THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1 Application and Interpretation

1.1 Name of By-law

The name of this by-law, for citation, is the “Heritage Property Standards of Maintenance By-law”.

1.2 Application

This by-law applies to protected heritage property and property that is within a heritage conservation area.

1.3 Definitions

In this By-law:

“**Accessory Building**” means an improvement on a site where the use or intended use is ancillary to that of the principal building located on the same site;

“**Architectural Features**” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments and balustrades and their paints, finishes and colours, architectural hardware and all other similar exterior or interior features;

“**Chief Building Official**” means the city official appointed as such by Council and includes the authorized representatives of the Chief Building Official;

“**Director of Planning**” means the city official appointed as such by Council and includes the authorized representatives of the Director of Planning;

“**Features**” includes architectural and landscape features;

“**Heritage Alteration Permit**” means a permit authorized under Part XXVIII, Division (5) of the *Vancouver Charter*, the Heritage By-law, or the Heritage Procedure By-law;

“**Heritage Conservation Area**” means an area designated as a heritage conservation area under sections 561(2)(c) (iv) and 596A of the *Vancouver Charter* by an official development plan;

“**Landscape Features**” means any fence, retaining wall, fountain, patio, terrace, statuary or similar feature that is located on a site and outside the exterior walls of a building;

“**Occupier**” means the person who occupies or lives in a building or premises and includes a tenant;

“**ODP**” means an official development plan that designates a heritage conservation area;

“**Owner**” means a registered owner of real property or a person in possession of real property and includes the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person.

“**Protected Heritage Property**” means, for the purposes of this by-law, buildings, structures, land and features that are specifically listed as protected heritage property in a schedule included in an ODP;

“**Routine Building Maintenance**” means ordinary maintenance or repair and does not include removal or replacement, or a change in design, materials, or appearance; and

“**Routine Garden Maintenance**” means ordinary maintenance and includes weeding, mowing lawns, planting, and pruning shrubs and trees in compliance with the Protection of Trees By-law.

1.4 Severability

A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.

2 Standards of Maintenance for Protected Heritage Property and Property within a Heritage Conservation Area

2.1 Maintaining Property

An owner or occupier of protected heritage property or property within a heritage conservation area must:

- (a) maintain all buildings, structures, architectural features and landscape features in good repair; and
- (b) maintain all buildings, structures, architectural features and landscape features in accordance with this by-law and all other applicable by-laws.

2.2 Heritage Alteration Permits

An owner or occupier of a protected heritage property or property within a heritage conservation area must not cause, permit or allow work on the property for which a Heritage Alteration Permit is required without having first obtained a Heritage Alteration Permit.

2.3 Repair and Maintenance Standards

An owner or occupier of protected heritage property or property within a heritage conservation area must carry out all repairs and maintenance in accordance with an ODP.

2.4 Routine maintenance

An owner or occupier of protected heritage property or property within a heritage conservation area may carry out routine garden maintenance and routine building maintenance without a Heritage Alteration Permit.

2.5 Weather and Infestation

An owner or occupier of protected heritage property or property within a heritage conservation area must repair and maintain all buildings, structures and features so as to reasonably prevent or retard damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes, including but not limited to:

- (a) preventing water penetration;
- (b) preventing or repairing damage resulting from such causes; and
- (c) preventing entry or infestation of lands or buildings by rodents, pests or vermin.

2.6 Exterior Finishes and Painting

An owner or occupier of protected heritage property or property within a heritage conservation area must:

- (a) protect exterior finishes from damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes; and
- (b) paint, clean, maintain and repair buildings and landscape features as necessary to protect exterior finishings and architectural features.

2.7 Structural Integrity

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the structure and all structural supports of all buildings and structures in good repair and condition.

2.8 Storm Water Drainage

An owner or occupier of protected heritage property or property within a heritage conservation area must drain storm water from land by an approved method so as to prevent ponding or the entry of water into buildings.

2.9 Fences, Retaining Walls, and Approved Enclosures

An owner or occupier of protected heritage property or property within a heritage conservation area must keep fences, retaining walls, and enclosures:

- (a) in good repair;
- (b) free from accident hazards including hazards posed by glass, razor wire, barbed wire, or nails; and

- (c) free from posters, signs, advertising materials, words, pictures, drawings, graffiti, except that this does not apply to notices or orders posted in accordance with municipal, provincial or federal legislation.

2.10 Accessory Buildings and Landscape Features

An owner or occupier of protected heritage property or property within a heritage conservation area must keep accessory buildings and landscape features in good repair.

2.11 Foundation Walls

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

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

2.12 Exterior and Parapet Walls

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the exterior walls and parapet walls of a building and their components:

- (a) in good condition and repair;
- (b) weather tight;
- (c) free from cracks, leaks or decay;
- (d) free from loose or unsecured objects and materials;
- (e) in a state of maintenance and repair sufficient to prevent or retard deterioration due to weather or infestation;
- (f) clean and free from soot, grime, mildew, mould, and peeling paint; and
- (g) free from posters, signs, notices, advertising materials, words, pictures, drawings, or graffiti.

2.13 Attachments

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain fixtures and attachments to a building including but not limited to signs, lighting, canopies, marquees, awnings, 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) protected against deterioration and decay by periodic application of a weather coating material such as paint or other protective treatment, unless constructed of materials inherently resistant to deterioration.

2.14 Architectural Features

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the exterior architectural features of a building in good condition and properly and safely secured or anchored.

2.15 Exterior Doors and Windows

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain exterior doors, windows, skylights, and hatchways of a building, and their components, in good condition and repair.

2.16 Roofs

An owner or occupier of protected heritage property or property within a heritage conservation area must keep the roof of a building, including the flashing:

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

2.17 Eavestroughs and Downpipes

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain eavestroughs and downpipes that are attached to a building or accessory building:

- (a) in good condition and repair;
- (b) in good working order;
- (c) water-tight and free from leaks; and
- (d) in such a manner that rainwater does not penetrate the building or spill in an uncontrolled manner upon sidewalks, driveways, stairways or landings.

2.18 Fire Escapes, Stairs, Balconies, Porches, and Landings

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

- (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.

2.19 Protected Interior Fixtures and Architectural Features

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain all interior architectural features and fixtures that have been designated as protected by a heritage designation by-law or are protected heritage property, in good repair.

2.20 Pests, Rodents, and Vermin

An owner or occupier of protected heritage property or property within a heritage conservation area must keep lands and buildings free of pests, rodents and vermin.

2.21 Protection of Vacant Property

An owner or occupier of protected heritage property or property within a heritage conservation area that is left unoccupied during construction or redevelopment must:

- (a) in the case of a building left unoccupied for 15 days or longer:
 - (i) secure all entries, and
 - (ii) post signage that reads “Protected Heritage or Heritage Conservation Area Site – No Vandalism or Removal of Materials; and
- (b) in the case of a building left unoccupied for 45 days or longer:
 - (i) secure all entries,
 - (ii) post signage that states “Protected Heritage or Heritage Conservation Area Site – No Vandalism or Removal of Materials”, and
 - (iii) board up all windows securely, to a standard that minimizes the potential for unauthorized entry.

3 Notices and Orders

3.1 Notices and Orders

The City Building Official or the Director of Planning may give notice or order a person:

- (a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this by-law; or
- (b) to carry out any work or do anything to bring any land or building into conformity with this by-law,

within the time specified in such notice or order.

3.2 Service Of Notice Or Order

A notice or order shall be sufficiently served under this by-law:

- (a) on an owner, by mailing it by registered mail or by another method that provides proof of delivery, to the owner at the address of the owner as shown on the records of the Assessment Authority of British Columbia;
- (b) on an owner or occupier, by personal service to the owner and to each occupier; or
- (c) on an owner or occupier, by posting a notice or order in accordance with section 3.3.

3.3 Posting Of Notice Or Order

Subject to the provisions of section 3.4, a notice or order issued under this by-law shall be sufficiently served on an owner or occupier by posting of the order or notice on or near:

- (a) protected heritage property or property within a heritage conservation area; or
- (b) heritage conservation area property subject to temporary heritage protection under sections 583, 586, 589 or 590 of the *Vancouver Charter*.

3.4 Power Of Entry Of The Director Of Planning

The City Building Official or the Director of Planning is authorized to enter on to land or premises at any reasonable time for the purpose of posting an order or notice issued under this by-law, except that the City Building Official or the Director of Planning must:

- (a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- (b) present a copy of the order to the owner or occupier upon request.

3.5 Prohibition Against Interference

A person must not:

- (a) interfere with the posting of an order or notice under this by-law; or
- (b) remove, alter, deface or destroy an order or notice posted under this by-law.

4 Offences and Penalties

4.1 Offences

A person who:

- (a) violates any provision of this by-law, or does any act or thing which violates any provision of this by-law, or suffers or allows any other person to do any act or thing which violates this by-law;

- (b) neglects to do or refrains from doing anything required to be done by this by-law; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order or notice given under this by-law,

is guilty of an offence against this by-law, and liable to the penalties imposed under this by-law.

4.2 Fine For Offence

Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$1,000.00 and not more than \$10,000.00 for each offence.

4.3 Fine For Continuing Offence

Every person who commits an offence of a continuing nature against this by-law is liable to a fine not less than \$1,000.00 and not more than \$10,000.00 for each day such offence continues.

5 Enactment

5.1 Force and Effect

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

ENACTED by Council this 29th day of September, 2015

