

**CORPORATION OF THE CITY OF NEW WESTMINSTER**

**BYLAW NO. 7971, 2018**

A bylaw to establish minimum maintenance standards for protected heritage property

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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 that is within a heritage conservation area;

AND WHEREAS the Council of the Corporation of the City of New Westminster wishes to ensure that real property that is protected by a heritage designation bylaw or that is within a heritage conservation area is preserved for future generations and does not deteriorate due to lack of repair, maintenance and conservation;

NOW THEREFORE the Council of the Corporation of the City of New Westminster in open meeting assembled enacts as follows:

**TITLE**

1. This bylaw may be cited for all purposes as "City of New Westminster Heritage Property Maintenance Standards Bylaw No. 7971, 2018."

**DEFINITIONS**

2. In this bylaw:
  - (a) "accepted heritage conservation principles, standards and guidelines" means those principles, standards and guidelines established by Parks Canada and set out in "Standards and Guidelines for the Conservation of Historic Places in Canada", latest edition;
  - (b) "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 architectural hardware and all other similar exterior features;
  - (c) "City" means the Corporation of the City of New Westminster;
  - (d) "City Official" means any employee of the City serving in the capacity of Bylaw Officer, Building Official, or Planner;
  - (e) "Council" means the Council of the City;

- (f) “Director of Development Services” means the City’s Director of Development Services as represented by the employee of the City serving in that capacity from time to time and includes a person acting or delegated to act in that capacity;
- (g) “heritage alteration permit” means a permit issued pursuant to section 617 of the *Local Government Act*;
- (h) “heritage conservation area” means an area designated in the City’s official community plan pursuant to section 614(1) of the *Local Government Act*;
- (i) “heritage designation bylaw” means a bylaw adopted pursuant to section 611 of the *Local Government Act*;
- (j) “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;
- (k) “occupier” includes:
  - (i) 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;
  - (ii) in relation to common property and common facilities in a strata plan, the strata corporation;
- (l) “owner” means, in respect of real property:
  - (i) the registered owner of an estate in fee simple;
  - (ii) the tenant for life under a registered life estate; and
  - (iii) the registered holder of the last registered agreement for sale;
- (m) “protected heritage property” means real property that is:
  - (i) designated as protected by a heritage designation bylaw; or
  - (ii) located within a heritage conservation area.

**APPLICATION OF STANDARDS**

3. The maintenance standards set out in this bylaw apply to all protected heritage property in the city.
4. Nothing in the bylaw affects the application of any other City bylaw, including without limitation Unsightly Premises Bylaw No. 5969, 1991 and Fire Protection Bylaw No. 6940, 2004.

**HERITAGE ALTERATION PERMITS**

5. Nothing in this bylaw relieves the owner of any protected heritage property from the obligation to obtain any heritage alteration permit required by a heritage revitalization agreement or the *Local Government Act*.

**GENERAL MAINTENANCE OF PROTECTED HERITAGE PROPERTY**

6. An owner or occupier of protected heritage property 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 bylaw and all other applicable bylaws.

**REPAIR AND MAINTENANCE STANDARDS**

7. 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.

**WEATHER**

8. An owner or occupier of protected heritage property must repair and maintain all buildings, structures and features so as to reasonably prevent or retard damage caused by weather, wind, sun, moisture, rot, decay or similar causes, including but not limited to:
  - (a) preventing water penetration;
  - (b) ensuring adequate and effective storm water drainage on the property so as to prevent ponding or the entry of water into buildings; and
  - (c) preventing and repairing all damage resulting from such causes.

**INFESTATIONS**

9. An owner or occupier of protected heritage property must repair and maintain all buildings, structures and features so as to reasonably prevent or retard damage caused by infestation, including but not limited to:
  - (a) preventing entry or infestation of lands and buildings by rodents, pests and vermin;
  - (b) removing such infestations as they occur and restoring the property to its pre-infestation condition; and
  - (c) preventing and repairing all damage resulting from such causes.

**STRUCTURAL INTEGRITY**

10. An owner or occupier of protected heritage property must maintain all buildings and structures located on the property and their structural members in good repair and condition and in a manner that provides sufficient structural integrity so as to sustain safely their own weight and any additional loads and influences to which they may be subjected through normal use.

**FENCES AND RETAINING WALLS**

11. An owner or occupier of protected heritage property must keep fences and retaining walls:
  - (a) in good repair; and
  - (b) free from accident hazards, including hazards posed by glass, razor wire, barbed wire, or nails.

**FOUNDATIONS**

12. An owner or occupier of protected heritage property must maintain the foundation walls of every residential building:
  - (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 sufficient to prevent the entry of moisture into that building.

**EXTERIOR WALLS**

13. An owner or occupier of protected heritage property must maintain the exterior walls and parapet walls of a building and their components:
  - (a) in good condition and repair;
  - (b) weather-tight and free from cracks, leaks and decay;
  - (c) free from loose or unsecured objects and materials; and
  - (d) in a state of maintenance and repair sufficient to prevent or retard deterioration due to weather or infestation.

**ARCHITECTURAL FEATURES**

14. An owner or occupier of protected heritage property must maintain the exterior architectural features of a building in good condition and ensure that such features are properly and safety secured or anchored.

**EXTERIOR DOORS AND WINDOWS**

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

**ROOFS**

16. An owner or occupier of protected heritage property 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.

**VEGETATION**

17. An owner or occupier of protected heritage property must:
  - (a) prevent the growth of vegetation in a manner that damages or could be reasonably expected to cause damage to the exterior of a building, including its foundation, walls, or roof;

- (b) remove any vegetation that is damaging or could be reasonably expected to cause damage to the exterior of a building, including its foundation, walls, or roof; and
- (c) repair all damage resulting from such causes.

#### **INSPECTIONS, ENFORCEMENT NOTICES AND ORDERS**

- 18. Subject to section 16 of the *Community Charter*, a City Official or the Director of Development Services is authorized to enter on to any lands or premises that are subject to this bylaw, at all reasonable times and without the consent of the owner, to ascertain whether the regulations, prohibitions, and requirements of this bylaw are being met.
- 19. No person shall prevent or obstruct or attempt to prevent or obstruct a City Official or the Director of Development Services from:
  - (a) entering upon lands or premises as authorized by section 18; or
  - (b) carrying out their duties under this bylaw.
- 20. A City Official or the Director of Development Services may give notice or order a person to:
  - (a) discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this bylaw; or
  - (b) carry out any work or do anything to bring any land or building into conformity with this bylaw,

within the time specified in the notice or order.
- 21. A notice or order shall be sufficiently served under this bylaw:
  - (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 on or near the protected heritage property that is the subject of the order to notice, subject to the provisions of section 22.

22. A City Official or the Director of Development Services is authorized to enter on to lands or premises at any reasonable time for the purpose of posting an order or notice issued under this bylaw, except that the City Official or the Director of Development Services 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.
23. A person must not:
- (a) interfere with the posting of an order or notice under this bylaw; or
  - (b) remove, alter, deface or destroy an order or notice posted under this bylaw.

#### **FAILURE TO COMPLY WITH ORDER OR NOTICE**

24. If an owner or occupier fails to comply with an order or notice given to that owner or occupier under this bylaw, the City and its appointed agents and contractors may and are authorized to enter on to the property and carry out the work necessary to comply with the order or notice, all at the expense of the owner or occupier, plus an administration fee of 15%. If the City's invoice for carrying out such work remains unpaid 30 days after delivery of an invoice to the owner or occupier, the City may recover the amount of the invoice, with interest at the rate of 6% per annum, compounded semi-annually from the date of issuance of the invoice, from the property in the same manner as it would be able to collect unpaid municipal taxes. If the property has been subdivided, the City may recover its costs equally from the lots so created.

#### **OFFENCES AND PENALTIES**

25. Any person who:
- (a) contravenes or violates any provision of this bylaw;
  - (b) allows any act or thing to be done in contravention or violation of this bylaw;
  - (c) fails or neglects to do anything required to be done by this bylaw or any order or notice given under this bylaw,
- commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.
26. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$1,000 and not more than \$10,000.

**SEVERABILITY**

27. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

**REPEAL**

28. Heritage Properties Minimum Maintenance Standards Bylaw No. 6498, 1998, is hereby repealed in its entirety.

Adopted January 29, 2018