



Heritage Committee Meeting  
Monday, April 4, 2022 @ 1:00 PM  
Via Electronic Participation

Register at:

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**1. Call Meeting to Order**

**2. Roll Call**

**3. Opening Remarks**

**4. Disclosure of Pecuniary Interest**

- None

**5. Approval of Minutes**

5.1 January 10, 2022 Heritage Committee Minutes

**6. Business Arising from Minutes**

- None

**7. Consent Agenda**

7.1 **Community Heritage Ontario – Winter 2022 Newsletter**

**8. Delegations**

- None



## 9. Correspondence

- None

## 10. Committee Reports

- 10.1 Report HER – 2022-003 - Heritage Committee Goals and Objectives 2021-2022
- 10.2 Report HER – 2022-004 – Community Ontario Heritage Conference – Budget and Attendees
- 10.3 Report HER – 2022-005 – Abandoned Heritage Structures and Property Standards By-Law
- 10.4 Report HER – 2022-006 – Heritage Plaque Update
- 10.5 Report HER – 2022-007 – Heritage Register Update
- 10.6 Report HER – 2022-008 – Community Heritage Ontario Award Nomination
- 10.7 Report HER – 2022-009 – Potential Heritage Student Update
- 10.8 Report HER – 2022-010 – Regeneration Works – Potential Funding Opportunities
- 10.9 Committee Memo – Municipal Heritage Register Additions
- 10.10 Committee Memo – Heritage Landscapes for Municipal Heritage Register

## 11. Adjournment

## 12. Next Meeting

July 4, 2022 @ 1:00 PM



**MINUTES**

**DATE:** January 10, 2022

**MEETING:** 1:00 P.M.

The January 10, 2022 Heritage Committee Meeting was held on the above date and called to order at 1:00 p.m. via electronic participation.

1. **CALL THE MEETING TO ORDER**

2. **ROLL CALL**

**ATTENDANCE:**

Barb Jefferson  
Councillor Matthew Bulmer  
John Arnold  
Mary Tivy  
John Levak

**STAFF IN ATTENDANCE:**

1. Hillary Miller, Legislative Assistant (Committee Secretary)
2. Jeff Bunn, Deputy Clerk (Remote Meeting Facilitator)
3. Courtenay Hoytfox, Clerk

3. **OPENING REMARKS**

4. **DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:**  
**None**

5. **APPROVAL OF MINUTES**

- 5.1 October 4, 2021 Heritage Committee Minutes
- 5.2 November 4, 2021 Special Heritage Committee Minutes

**Resolution No. 2022-001:** Moved by Matthew Bulmer and  
Seconded by Mary Tivy

**That the minutes of the following meetings be adopted as written and distributed.**

**CARRIED**

6. **BUSINESS ARISING FROM MINUTES**

**Resolution No. 2022-004:** Moved by Mary Tivy and  
Seconded by Matthew Bulmer

That the property standards by-law be brought to the Goals and Objectives and a sub-committee be formed to comment on the by-law and that any comments be brought to Council for the next review of this by-law. A draft report regarding the property standards by-law to be brought to the next committee meeting and the by-law will be attached to the next meeting agenda and for Mary to send further information regarding property standards by-laws from other municipalities.

**CARRIED**

7. **CONSENT AGENDA**

- 7.1 Community Heritage Ontario – Fall 2021 Newsletter



**Resolution No. 2022-005:**

Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the Community Heritage Ontario Fall newsletter be received for information.**

**CARRIED**

7.2 Ontario Heritage Trust – December 2021 Newsletter

**Resolution No. 2022-006:**

Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the Ontario Heritage Trust December 2021 newsletter be received for information.**

**CARRIED**

7.3 “Standing Stones and Heritage Landscapes” on Puslinch Settler Cemeteries in the Alliance for Heritage Landscape Preservation: Conserving Cultural Landscapes, Fall 2021 Newsletter

**Resolution No. 2022-007:**

Moved by Mary Tivy and  
Seconded by Barb Jefferson

**That the article in the Alliance for Heritage Landscape Preservation Conserving Cultural Landscapes Fall 2021 newsletter be received for information.**

**CARRIED**

**8. DELEGATIONS:**

None

**9. CORRESPONDENCE:**

None

**10. COMMITTEE REPORTS:**

10.1 Report HER-2022-001 – Heritage Register

**Resolution No. 2021-002:**

Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the report HER-2022-001 – Heritage Register be received for information and for staff to reach out to Community Heritage Ontario to determine when articles are due for submission to include an article for submission regarding the Puslinch Heritage Register and for staff to include a form on the website for residents to reach out with information about their homes for possible inclusion on the Heritage Register.**

**CARRIED**

10.2 Conference Budget 2022 – Update from H. Miller

**Resolution No. 2021-008:**

Moved by John Levak and  
Seconded by Barb Jefferson



**That the verbal report on the update of the CHO conference budget be received and that a decision be made at the April 2022 meeting for any committee members that would like to attend.**

**CARRIED**

10.3 Heritage Committee Goals and Objectives from 2021 to 2022

**Resolution No. 2022-009:** Moved by Mary Tivy and  
Seconded by John Levak

**That the Heritage Goals and Objectives 2021-2022 be received; that Barb to provide Township with Doors of Puslinch information; that John Arnold and John Levak to report back at the next committee regarding the Doors of Puslinch Project; that the secretary includes an item on the April 2022 meeting regarding the expansion of Heritage Register; that the secretary provide the orientation package for new members of Council and Committee members to the sub-committee for comment and review; property standards by-law report to be included in the next meeting and a subcommittee to be established at the April 2022 meeting.**

**CARRIED**

10.4 Heritage Plaque Program and Next Steps – H. Miller

**Resolution No. 2022-010:** Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the verbal report regarding the status of the Heritage Plaque program be received for information and that the secretary communicates with Barb regarding the status of the plaques.**

**CARRIED**

10.5 Committee Communications Training

**Resolution No. 2022-003:** Moved by Matthew Bulmer and  
Seconded by Mary Tivy

**That the Committee Communications Training presentation be received for information and that the communications training information be sent to the Heritage Committee members.**

**CARRIED**

**11. ADJOURNMENT**

**Resolution No. 2022-011:** Moved by Matthew Bulmer and  
Seconded by Mary Tivy

**That the Heritage Committee hereby adjourns at 3:07 p.m.**

**CARRIED**



# CHOnews

QUARTERLY PUBLICATION OF COMMUNITY HERITAGE ONTARIO/PATRIMOINE COMMUNATAIRE DE L'ONTARIO

## TIMMINS COUNCIL APPROVES FIRST HERITAGE DESIGNATION

NICOLA ALEXANDER

The Timmins Municipal Heritage Committee was established in 2018 under the Museum Advisory Committee with two goals. First, to promote a culture of conservation and second, to determine the next steps toward establishment of a Municipal Heritage Register.

Timmins is the fourth largest city in North-Eastern Ontario. Much of the city's development is attributable to the Porcupine goldfields. In addition to enormous wealth, the mines gave rise to a rich multicultural history due to the many immigrants of diverse backgrounds, who were drawn to the region in search of employment. The city is in Treaty 9 Territory on what are the traditional lands of the Mattagami First Nation. Human habitation is estimated to date back 4,000 years. When prospectors ventured north in the early 1900s, they relied on knowledge of the Ojibway and Cree communities in order to access the region via the old Hudson Bay trading routes.

For a city so rich in cultural heritage, it may be surprising that it was not already sitting on several designated heritage sites. In 2018, the need for a municipal heritage program was considered more urgent due to recent demolition of the Dome Mine Manager's House and the Hollinger Office Building. The question was, where to start?

An opportunity presented itself when the City Clerk received an enquiry from the owner of the log home at the bottom of Wilson Avenue. With support of the Timmins Museum, the newly established MHC offered to undertake further research to determine whether the property might qualify for designation and determine the next steps.

Log homes are a characteristic feature of early pioneering life in Northern Ontario, but few remain in the City of Timmins. The home on Wilson was one of four log homes built overlooking the Mattagami River, though it is the only one that has survived.

*Continued on page 3.*



Photographs of the the log house at 438 Wilson Avenue soon after completion in 1925, and in 2021. (Darling Family Photo Album, from the collection of the Timmins Museum: National Exhibition Centre/N. Alexander, 2021)

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## PRESIDENT'S MESSAGE



I hope this message finds you well and able to pursue heritage conservation in your municipality despite the challenges of the pandemic.

### **Application of Amendments to the Ontario Heritage Act (OHA)**

By now many of you are dealing with the changes in listings, designations and notification resulting from the amendments to the OHA proclaimed on July 1, 2021. Note that these changes are effective on a go-forward basis; they do not apply to listing and designations enacted prior to July 1, 2021.

To help you in dealing with the effect of these amendments on designation by-laws, Nancy Matthews and I have written an article for this edition of the newsletter, showing the effect of the amendments on Schedule B (the Statement of Significance and list of attributes) of a designation by-law. I also gave an orientation talk to the King Township heritage committee and staff that includes a discussion of the effect of many of the amendments on heritage conservation. You can find a copy of my presentation on the CHO/PCO website.

For the next issue of the newsletter we should have an article on the effect of the OHA amendments on listings.

Some people have asked about experiences in dealing with OHA appeals to the Ontario Land Tribunal (OLT), a judicial tribunal which was created by the merger of the Local Planning Appeal Tribunal, the Environmental Review Tribunal, The Board of Negotiation, the Conservation Review Board and the Mining and Lands Tribunal. If any of you have dealt with the OLT on a heritage matter, I encourage you to share such experience with us.

### **Property Insurance and Heritage Designation**

In response to the concern of some members about the impact of property insurance on heritage designation, CHO/PCO commissioned a study of the issue. We await responses from consultants to our request for proposals. I hope that we will have the results of this study in time for the Ontario Heritage Conference in Brockville, June 16 – 18, 2022. Regardless, we will make the results of the study available to all members. In the meantime, visit our website which contains a number of articles about this issue.

Stay safe and crack on; heritage conservation does not stop because there is a pandemic.

Wayne Morgan

# CHOnews

WINTER / HIVER 2022

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**Submitted articles** must be in Microsoft Word format. Images must be sent as .jpg attachments in high quality resolution (300 dpi). Do not embed the images in the text of the article. Captions and credits must be provided.

Newspaper articles as updates to MHC activities cannot be used without permission of the newspaper and/or the original author. Text written by the MHC is encouraged.

Articles are published in the language they are received.

Continued from page 1.

The history of the home is tied to that of two families. It was built in 1925 by Harry Darling, a mining engineer. His wife, Helen Darling, recalls in a 1947 newspaper article how the logs used in construction of the home had to be floated down the Mattagami River. The Darlings first arrived in the Porcupine Camp in 1911. After a brief appointment as manager of Dome Lake in 1917, Darling left for Nevada but returned in 1919 to assume a position as manager of the Porcupine Crown Mine. The Darling Family Photo Album, in the Collection of the Timmins Museum: National Exhibition Centre, provides a glimpse into early life in the Porcupine: family photos, social outings on the river and the inaugural Porcupine Dogsled Race.

Dr. Mackechnie purchased the house from Mrs. Darling in 1947. He was a physician and surgeon at St. Mary's Hospital. Subsequent ownership was passed on to his wife (whose

father had been a mine captain at the Hollinger Mine) and in turn to her children – and therefore it is commonly known as the Mackechnie House (or Doc's House, after his son).

Council approved designation of the Mackechnie House in November 2021, and it becomes the first entry on the Municipal Heritage Register. It serves as a template going forward and highlights the importance of community in identifying and preserving our local heritage. It is also an example of the role that municipal museums play in managing the community archive in order that we can better understand our built environment and take steps to conserve it for future generations.

*Nicola Alexander is a built heritage specialist, artist, and educator. Her practice is built on a professional background in architecture, and she is chairperson of Timmins Municipal Heritage Committee.*



## Ontario Heritage Conference 2022

June 16-18

Brockville and the Surrounding Region

*The Light at the end of the Tunnel*



Check the website for updates! <https://www.ontarioheritageconference.ca/>

## ONTARIO HERITAGE TOOL KIT - UPDATE FROM THE MINISTRY

KATE OXLEY

The year 2021 finished for the Ministry heritage team on a positive note: the finalization and approval of the updated text of all five guides in the Ontario Heritage Tool Kit.

Right now, we are working with our web team to create the overall look of the guides, to translate the guides into French, and to ensure the Tool Kit meets online accessibility standards. The final documents are anticipated to be available at Ontario.ca in the weeks ahead. We will announce when the guides are available.

Back in June, the five revised guides were posted on the Environmental Registry of Ontario for public comment. And comment they did – we received 39 detailed responses, containing approximately 500 distinct comments and suggestions across the five guides. Feedback came from municipal staff, heritage organizations, professional associations, landowners, municipal heritage committee members, businesses, and individuals.

Staff analysed and categorised all of these comments and recommendations, and guide by guide, made further revisions. As a result, the guides have advanced since those June drafts, some of them markedly.

While we were able to incorporate numerous changes,

the scope of the update was limited to primarily addressing changes resulting from the OHA amendments and the new O. Reg. 385/2 that came into force on July 1, 2021. There were requests for additions, such as more case studies, or more detailed guidance, that could not be realised at this time. Guidance on processes that fall under other ministries, such as those related to the Ontario Land Tribunal, also could not be provided in the Tool Kit.

The 2022 version of the Tool Kit will be produced as an online document. It is our intention that as an all-digital publication, the Tool Kit will be a 'living document' that can evolve, and that it won't be another sixteen years before it is updated again.

The Ministry is indebted to CHO/PCO and its members who took the time to work through the drafts and make suggestions for their improvement. Great thought and attention were given to matters large and small, all of them important to the utility of the final documents. Thank you for your tremendous interest and feedback.

*Kate Oxley is a Heritage Outreach Consultant for Libraries, Arts & Heritage Services Unit/ Unité des services au secteur des bibliothèques, des arts et du patrimoine at the Ministry of Heritage, Sport, Tourism and Culture Industries.*



# DESIGNATION BY-LAWS – CHANGES UNDER THE AMENDED ONTARIO HERITAGE ACT

Wayne Morgan and Nancy Matthews

As of July 1, 2021, specific requirements, additional information, and clarification are required in municipal designation by-laws by section 3 of Regulation 385/21 (<https://www.ontario.ca/laws/regulation/r21385>).

No change is required to Schedule A which gives the address and legal description of the property.

This article examines the impact of changes on Schedule B (described as ‘Reasons for Designation’ or ‘Statement of Significance’). Designation by-law 125-2018 for the Carnegie Library in the village of Durham in the municipality of West Grey is used to illustrate the impact of the amended OHA and how a property description, statement of cultural heritage value and list of heritage attributes should look after July 1, 2021. The original text is italicized and the inserted changes are underlined.



Carnegie Library in Durham. (W. Morgan)

## Property Description

*The property at 240 Garafraxa Street North is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, association and contextual values as described in the Statement of Cultural Heritage Value below. Located on the west side of Garafraxa Street North, north of George Street West immediately north of the Knox United Church in the community of Durham, the Durham Carnegie Free Library, built 1911 to 1912, is a 1 storey institutional building constructed as an area library and meeting room.*

Little descriptive change is required. Regulation 385/21 requires the municipal address and general description of the property location such as a neighborhood or nearest

main intersection. Although not required by Regulation 385/21 for the property description, you should specify the broad criteria from Regulation 9/06 and any municipal criteria that the property meets. A description of how the property meets those criteria is provided in the Statement of Cultural Heritage Value, which follows. The regulation now permits the inclusion of a map, sketch or site plan in the property description. This is not required if a detailed property location description in words has been provided. In this case, a detailed word description is provided.

## Statement of Cultural Heritage Value

Design Value: *The Durham Carnegie Free Library is a well preserved, representative example of a stone and brick, Beaux-Arts Classical Revival style, institutional building in the community of Durham.*

### Associative Value:

Association with international organization - *It was constructed for the municipality of the Town of Durham in response to a \$8,000 grant from the Carnegie Foundation for the construction of a free, public library. The Foundation, founded in 1905, is a philanthropic organization established by the American industrialist, Andrew Carnegie, which, in the early twentieth century, provided grants to municipalities in the English-speaking world for the construction of free public libraries to further Carnegie's belief of a society governed by meritocracy through self-education.*

Association with architect - *The Building was designed by the Guelph Architect William Austin Mahoney (1871 – 1952). It was constructed by Hugh McDonald (masonry) and George Kress (carpentry) on land that had been donated to the Town by a mayor, David Jackson Jr. The Library, in its original location facing east, retains the architectural features required by the Foundation and in particular, James Bertram, Carnegie's secretary.*

Association with community - *The Building was used as the community library from its opening until 2017.*

### Contextual Value:

Supporting area character - *The Library, located immediately north of the Knox United (originally Presbyterian) Church, contributes to, and has a strong visual presence on, the streetscape of this predominantly residential area just north of the commercial core of Durham.*

Regulation 385/21 requires a “statement explaining the cultural heritage value or interest of the property” and “must

identify which of the criteria set out in... Regulation 9/06 ... are met. Although the pre-July 1, 2021, by-law generally included such information, it was not specific enough. Therefore, this section has required a slight reorganization and insertion of the relevant criteria headings from Regulation 9/06, prior to the description of how the property meets those criteria.

### Statement of Heritage Attributes

Each exterior heritage attribute of the property 240 Garafraxa Street North listed below is indicative of the design value (architectural style) and is associated with the original design of the architect W. A. Mahoney who had to meet the requirements of the Carnegie Foundation:

- The 1-storey institutional building on a raised basement
- The scale, form, height, and massing of this square building on a rectangular-shaped lot
- The broken coursed, cut limestone basement and the red brick clad first floor; the latter with banding on the principal (east) elevation
- The low pitched, black asphalt shingled, hip roof with its projecting, plain wood clad eaves on the main building on the portico
- Etc.

Regulation 385-21 requires that “the description of the heritage of the property must explain how each heritage attribute contributes to the cultural heritage value or interest of the property”. In the post July 1, 2021, version of the by-law, this has been achieved by providing an introductory sentence to the list of heritage attributes stating that each of the following attributes of the property are associated with a particular heritage value, in this case, the design and associative values of the property. (The original list of heritage attributes was reduced for this article.)

### Summary

It is possible to meet the requirements of the amended OHA without too many changes to the way in which we drafted designation by-laws prior to July 1, 2021. However, it does require some work in linking the various components of the by-law to the cultural heritage values of the property.

An educational session re changes to the OHA will definitely be on the agenda for the upcoming Ontario Heritage Conference June 16-18, in Brockville.

*Wayne Morgan and Nancy Matthews are board members for CHO/PCO.*

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## ONTARIO VERNACULAR NOTEBOOK: SNAKE RAIL FENCE

GEORGE DUNCAN

The snake rail fence was once a common feature of Ontario's agricultural landscape. In his book, *Fences*, illustrated by C. W. Jefferys, published by the Ryerson Press in 1958, author Harry Symons wrote:

*“One of Canada's most picturesque institutions, the snake fence was and still is, widely known in the United States as well. It has been suggested that it originated in Virginia, but no definite evidence supports this theory.”*

According to Symons, there were several variations of the snake rail fence, made with poles of black ash, hickory, oak and pine, or with split rails of white cedar. It was popular for its adaptability to be constructed in various types of terrain. Over time, many examples have been replaced by post and wire fencing that is easier to maintain and takes up less space. Old cedar rails salvaged from these fences have been recycled for years to become rustic accents to the landscaping of suburban homes. It is remarkable how long these split cedar rails will last.

While walking the trails of the northern section of the



**Tumbled-down remnants of an old snake rail fence in the Rouge National Urban Park. (G. Duncan, 2021)**

Rouge National Urban Park in the early spring of 2021, I spotted some remnants of very old snake rail fences that follow the property lines of some historic farm lots. The snake rail fences are interwoven into hedgerows of young trees and entangled in the brush that has grown up around them. Some sections are almost completely tumbled down and are sure to disappear. They are transient remnants of the



nineteenth century agricultural landscape, mainly visible in the winter and early spring before the trees come into leaf for the season. I discovered one large section of snake rail fence along the northern boundary of a woodlot which was quite intact in places. It is eight rails high where complete and braced with a vertical post where the rails intersect. Looking at this farm fence, which in my estimation dated from the 1860s, made me think of bird's eye view illustrations of farms depicted in the county atlases of the 1870s and 1880s.

*George Duncan is a former Senior Heritage Planner with the City of Markham.*

An intact section of the same snake rail fence, eight rails high. (G. Duncan, 2021)

## REMNANT OF A TALLGRASS PRAIRIE

JOAN KELLY



In our township of Alnwick/Haldimand which lies between the shores of Rice Lake and Lake Ontario in Northumberland County, the once abandoned cemetery of the Russ Creek Settlement on Dunbar Road is welcoming back a variety of rare wildflowers and tall prairie grasses. They are similar to examples found in the rehabilitation efforts of nearby Alderville First Nations and the Red Cloud cemetery north of Castleton.

For the last 20 years or so, the grass had been regularly mowed in this cemetery, which is a small uncultivated piece of the Rice Lake Plains.

In 2019, our municipal heritage committee agreed to present a recommendation to our township council to consider a change in direction and cease grass cutting in order to observe possible dormant roots and seeds re-emerging. We were fortunate that approval was granted and Parks and Recreation has not cut the grass there for the last three seasons.

We asked our local representative from Nature Conservancy of Canada to advise and conduct an inventory. They have been pleasantly pleased with the results. They have scattered seeds of blue lupine as well, in hopes that it will also make a return.

### **Allowing the return of tall prairie grasses, and rare wildflowers...**

Not only have the settlers' burial grounds been restored with at least forty-four monuments being recovered and repaired over the years; but the land too, is being allowed to reveal its legacy.

Indian grass, Big Bluestem, woodland lily and hairy beardtongue are just a few of the varieties now appearing throughout the growing season

*Joan Kelly has volunteered on the Township of Alnwick/Haldimand MHC for the past 11 years. Photography by Joan Kelly.*

# WHAT'S UP (OR DOWN) WITH DEMOLITION VS. ALTERATION

PAUL R. KING

The recent amendments to the *Ontario Heritage Act* (OHA) and regulations became effective as of July 1, 2021, so under the new provisions is there a clear distinction between demolition vs alteration? I would argue no. Even with this lack of clarity, does it matter? I would argue that sometimes it matters and sometimes not. The fact that there were concerns with the distinction is evidenced by further proposed, but unproclaimed (possibly never proclaimed), amendments (**Unproclaimed Amendments**) to the OHA which might have partly addressed the problems. Just a warning: if you continue to read this article, be prepared to be confused.

There is no definition of “demolish” or “demolition” in the OHA (and this has been the case with all previous versions of the OHA). I find this rather odd given that the only restriction affecting a property owner of a non-designated property listed on a municipal register of heritage properties is that the owner must give notice of demolition to the municipal council. There is no such requirement for an alteration no matter how extensive that alteration may be. Even though there is no definition of demolition in the OHA (and whenever this word is used the reference is never clarified), but it seems to be the case that demolition means the complete destruction of a building or structure and not partial destruction. So is partial destruction just an alteration?

There is a definition of “demolish” in subsection 1(1) the *Ontario Building Code Act*: “to do anything in the removal of a building or any material part thereof and ‘demolition’ has a corresponding meaning”. This definition, however, does not apply to the provisions of the OHA. The intent of the building code is to regulate standards for public health and safety, fire protection, structural sufficiency, energy conservation, water conservation, environmental integrity and barrier-free accessibility of buildings, but not to regulate heritage matters, which of course are regulated by the OHA. If a building is being demolished in whole or in part, a permit from the municipality’s chief building official is required so that there is compliance with the building code. A heritage permit is a separate matter and is not required in every circumstance. One of the Unproclaimed Amendments does not define “demolition” but it does attempt to make it clear that with respect to certain specific sections of the OHA, “alteration” is not “demolition” and, by logical inference, I think that “demolition” might mean all or part of a building or structure, but this is not entirely clear. Are you confused yet?

The City of Toronto has a different approach. The City’s Official Plan definitions clearly establish the difference

between demolition and alteration [see page 3-24 of the City’s Official Plan]. “Demolition” is defined as “the **complete** destruction of a heritage structure and property from its site, including the disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date”. Anything short of complete destruction and removal is an alteration. “Alteration” is defined as “**any change** to a property on the Heritage Register **in any manner** including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may result in any change to a property on the Heritage Register”. “Any change” could logically include complete destruction but this is clearly not the case in the City of Toronto Official Plan definitions. Demolition involves complete destruction and removal whereas alteration is any change as long as the structure stays put. The wording in the OHA lacks this clarity.

The definition of “alter” and “alteration” in section 1 of the OHA is: “‘alter’ means to **change in any manner** and **includes** to restore, renovate, repair or disturb and ‘alteration’ has a corresponding meaning”. Including the word “disturb” in the definition might seem to be rather curious, but it makes sense with respect to archeological sites. Using the word “includes” means that the definition goes beyond restoration, renovation, repair and disturbance. So how broad is the meaning of “alter”? Suppose you completely demolish a building. Isn’t that a “change in any manner”? I wonder why there are two concepts. Would it not be simpler to use one of the concepts (e.g., alteration) and forget about having demolition as a stand-alone undefined concept? Does it matter that there is no clear distinction between demolition and alteration in the OHA? Well, sometimes yes and sometimes no.

If you haven’t given up yet, let’s examine the situation with: (i) properties in heritage conservation districts designated under Part V of the OHA, (ii) properties individually designated under Part IV of the OHA; and (iii) non-designated properties listed on municipal registers of heritage properties.

## Part V Designations (Heritage Conservation Districts)

Section 42 of the OHA restricts all alterations and demolitions unless a heritage permit is obtained, so I don’t think there is a problem with Part V designations. This, of course, only relates to the exteriors of buildings or structures because Part V designations do not protect interiors. Section 42(1) currently states:

**42(1)** No owner of property situated in a heritage conservation district that has been designated by a

municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. **Alter** ... any part of the property, other than the interior of any structure or building on the property.
2. Erect, **demolish** or remove any building or structure on the property ....

A heritage permit is always required in a heritage conservation district unless the alteration is minor as specifically stipulated in the heritage conservation district plan. One of the Unproclaimed Amendments is perhaps more explicit but I would argue that it is not necessary because all possibilities are already covered. The Unproclaimed Amendments are:

*42(1) No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:*

1. *Alter any part of the property, other than the interior of any structure or building on the property.*
2. ....
3. *Demolish or remove ... any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district ....*
4. *Demolish or remove a building or structure on the property ..., whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district ....*

Is clause 4 above referring to a partial demolition of a building or perhaps to complete demolition of a building that has no heritage attributes (and hence no heritage attributes are affected)? There is no clarity here.

#### Part IV Designations (Individual Designations)

If a proposed change to a building or structure does not affect heritage attributes mentioned in a designation by-law, there may be a problem. Given the wording in the OHA, it is critically important in designation by-laws to have clear and precise descriptions of heritage attributes. When this is lacking, as is the case with some older vaguely-worded designation by-laws, there is a problem. For example, here is an example from the early 1980s: *Built in 1868 as a retail store, with its segmental arches (above the windows and their finely finished voussoirs and projecting keystones) gives the Italianate flavour to this structure.* In this example, there is no mention of additional heritage attributes such as

the façade stonework, the fenestration, the arched tracery bars in the first floor windows, and the wooden frames of sash windows on higher floors. Also, there is no mention of this large three storey building as a complete entity. Such incomplete designation statements are quite common. OHA regulations 9/06 and 385/21 require more complete descriptions of heritage attributes so, going forward, new designation descriptions in by-laws shouldn't have the same shortcomings.

The relevant sections of the OHA are as follows:

*33(1) No owner of property designated under section 29 shall **alter** the property ... if the alteration is likely to **affect** the property's heritage attributes, as set out in the description of the property's heritage attributes in the [designation] by-law ..., unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration.*

*34(1) No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:*

1. **Demolish** or remove ... **any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the [designation] by-law.**
2. *Demolish or remove a building or structure on the property ..., whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the [designation] by-law.*

Regardless of whether it is classified as an alteration or a demolition, I would argue that an owner needs municipal council consent, but with two exceptions: Firstly, a consent for an alteration is only required "if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the [designation] by-law". It is critical that there is a clear description of those heritage attributes in the designation by-law failing which consent is not required for an alteration. By the way, what does "affect" mean? Can it be a positive result as well as a negative result? More to ponder. Secondly, if: (i) a demolition does not involve heritage attributes specifically described in the designation by-law, and (ii) the demolition is not a complete demolition of a building or structure, then it can be argued that municipal council consent is not required. Of course, then you are faced with a question of the difference between a "building" and a "structure", both of which are not defined. Can a structure be part of a building (such as a porch) or is a structure completely separate from a building (such as a stone wall)?

Even more to ponder. This lack of clarity is the kind of issue that could well end up being the subject of a court case or maybe an Ontario Land Tribunal hearing.

#### Non-designated Properties Listed on Municipal Registers

With respect to non-designated properties listed on a Municipal Register as permitted by Section 27(3) of the OHA, does the distinction between an alteration and a demolition really matter? I would argue yes.

**27(3) ... the register may include property that has not been designated under this Part but that the council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.**

Note that the register only needs to include minimal information such as the municipal address of the property. Fortunately, many municipalities diligently include further information so that there is at least a clue about the cultural heritage value or interest in the property. Also, clause 27(6)1 of the OHA includes a new provision requiring advance notice to the property owner setting out "A statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest". The property owner then has an opportunity to object to the listing.

There is required notice to municipal council with respect to demolition but not with respect to alteration. Section 27(9) of the OHA states:

**27(9) If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property ... unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure....**

This wording seems to mean that notice to municipal council is only required in the case of complete demolition of a building or structure. Anything short of that could be interpreted to mean that notice to municipal council is not required. Of course, as mentioned above, there is no clarity about whether a structure is stand-alone or could be part of a building. Furthermore, section 27(3) of the OHA does not mention alterations so a property owner can carry out extensive and damaging alterations short of complete demolition without notifying municipal council even if the demolition includes potential heritage attributes. It appears to me that the protection of listed properties is murky and quite limited.

Are you confused yet? Maybe exasperated? In summary, I think there is a lack of clarity in the OHA, but municipal heritage committees and municipal heritage staff have an opportunity to somewhat address the problem. When drafting statements for new designated properties or for amending existing designation by-laws, it is critically important to be clear, specific, detailed and all-inclusive when describing heritage attributes. Also, paying attention to the requirements in regulation 9/06 and new regulation 385/21 is a must. Although a daunting task, it would be an extremely beneficial undertaking for municipal heritage committees and municipal heritage staff to review and, if necessary, amend and update existing designation statements.

*Paul R. King is a past board member of CHO/PCO.*

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## THE COX ESTATE BARN RESTORATION

SUSAN SCHAPPERT

Located on Oakville's historic Lakeshore Road, the Cox Estate Barn at 1399 Lakeshore Road East is designated under s.29, Part IV of the Ontario Heritage Act. The original designation by-law from 1990 was updated in 2017 and describes the small barn located to the rear of the residence as the property's main heritage attribute.

In 1913, Herbert Coplin Cox purchased the property at 1399 Lakeshore Road East from James Ryrie. Both men had significant estates in Oakville that took up sizable portions of land on the south side of Lakeshore Road, east of the downtown commercial area. James Ryrie, President of Ryrie Bros. Jewelry of Toronto, built the Edgemere Estate at 1502 Lakeshore Road East. Herbert Cox, the President and General Manager of the Canada Life Assurance Company had his large summer home, known as Ennisclaire, just west of the Edgemere Estate. The purchase of 1399 Lakeshore Road East by the Cox family was a means to expand their own grand estate, inclusive of providing additional stables and associated structures for their horses and to provide housing for their stable manager and his family.

The barn at 1399 Lakeshore Road East is the last remnant of the Cox Estate stables. The property remained in the Cox family until 1988. Sheltered from the road by the house and mature trees, the barn is a unique reminder of the lifestyle and pastimes of the wealthy landowners of Lakeshore Road in Oakville in the early to mid-twentieth century.

While the barn is no longer used for livestock, the structure has remained largely untouched with the horse stalls intact within. During the 1990s and 2000s, the house on the property was subjected to substantial renovations, but the barn remained neglected. In 2021, the new owner, Stefan Konasiewicz, applied for a heritage grant through the Town of Oakville and tackled the restoration of this unique structure. With the assistance of Luciano Maiatico, owner of La Petite Maison, the barn has been carefully restored with great attention to small historic details.

The main floor plan for the barn has three horse stalls, a garage for carriages and or sleighs, a feed or tack room and a mechanical room with a square footage footprint of 2079 square feet. The second floor is the same area and was used to store hay for the animals. One bail trap door to drop the feed down is located above the stable area in front of the stalls and an access trap door with a ladder is located at the south end, in the feed room whereby ranch hands could access the second floor. This historic layout remains intact today. The exterior of the barn features small paned sash windows, painted board and batten walls and sliding barn doors on the west elevation. Both the interior and exterior of the building required significant repair.

Windows were restored by repairs or replacement of the wood muntins as required, missing or cracked window panes were replaced with new wavy glass from a local supplier. The exterior board and batten cladding was repaired where rot and damage had occurred with wood milled on site to match. The surface was cleaned and repainted, leaving the patina of the older layer in place. The doors – both the man door and the barn doors – required significant repair, reusing historic materials where possible and milling new wood when required. Sills and floors were re-leveled and set and a new eaves trough was installed to prevent future water damage. The historic pulley system to the hay loft was restored and a hook procured from a historic salvage company. The new weathervane installed on the roof pays homage to the building's history.



South elevation (above) and west elevation (below).



The interior of the barn was also restored and repaired to prevent further decay. The horse stalls remain in situ and historic hardware was sourced for replacement where it had gone missing. The stairs to the hay loft were rebuilt and the brick chimney base stabilized. The cedar flooring and roof



Interior stable and horse stalls.



Interior attic space.

boards of the hay loft were cleaned and sealed.

The attention to detail in the restoration of the barn is a stellar example of heritage conservation and respect for historic materials and methods. Owner Stefan Konasiewicz assisted with the hands-on restoration work and contractor Luciano Maiatico's respect for the history of the barn is evident in the conservation of this unique structure. While the Heritage Grant Program was only able to cover a portion of the restoration costs, the Town of Oakville greatly

appreciates the efforts of heritage property owners who take the extra step to conserve the cultural heritage gems of our community.

*Susan Schappert is a Heritage Planner for the Town of Oakville. Photographs are courtesy of the Town of Oakville, with credit to information from the Oakville Historical Society, Steven Burgess Architects, and Luciano Maiatico.*

## MEMBERSHIP RENEWAL IS DUE

The membership form is available at <https://communityheritageontario.ca/membership>

Fees may be paid using PayPal or e-transfer.

## NEWS FROM THE BOARD OF DIRECTORS

RICK SCHOFIELD

**D**ue to the pandemic restrictions, the Board continues to meet virtually, via Zoom. In November, the Board reviewed the financial statement for 2021 and approved the report to be forwarded to our auditor. Board members agreed to provide some financial assistance to small, rural MHCs who do not have funding to send a delegate to the conference due to the cost of travel. In addition, the Board approved a project to hire a consultant to conduct a detailed study on residential insurance rates as they affect heritage properties. Funding was also budgeted for the conference attendance of qualified speakers who will speak specifically on the amendments to the Ontario Heritage Act. The Board is grateful to the support it receives from the Ministry of Heritage, Sport, Tourism and Culture Industries, in order to help conduct our regular business as much as possible during these unusual times.

At the January Board meeting, the Board discussed the progress being made on the program for the 2022 Brockville area conference in June and agreed to continue forward in the belief that any remaining Covid issues would be resolved and permit the conference to be held as planned. The Board ruled out the possibility of holding the conference virtually but did note that all those attending the conference must be fully vaccinated. A budget for 2022 was reviewed, adjusted and approved. After reviewing the RFP sent out following the November meeting, the Board approved the hiring of ARA Consultants to conduct the survey of residential property insurance as it affects heritage properties.

*Rick Schofield is the Corporate Secretary/Treasurer of CHO/PCO.*



## CHO/PCO MISSION STATEMENT

To encourage the development of municipally appointed heritage advisory committees and to further the identification, preservation, interpretation, and wise use of community heritage locally, provincially, and nationally.

## 2021-2022 BOARD OF DIRECTORS

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Program Officer **Ginette Guy**

## BOARD MEETINGS

CHO/PCO Board of Directors meetings are open to any MHC member. Meetings will be held virtually until further notice. Please contact the Corporate Secretary if you wish to attend.

## ARTICLE DEADLINES

JANUARY 10

MARCH 10

JUNE 10

OCTOBER 10

**Article submissions are always welcome.**

## DISCLAIMER

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## **REPORT HER-2022-003**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Heritage Committee Goals and Objectives 2021-2022

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-003 regarding Heritage Committee Goals and Objectives 2021-2022 be received.**

#### **Purpose**

The purpose of this report is to provide the Heritage Committee with an overview of the goals and objectives and provide next steps on these projects.

#### **Background**

The following resolution was passed regarding the Heritage Committee Goals and Objectives at the January 10<sup>th</sup> meeting:

10.3 Heritage Committee Goals and Objectives from 2021 to 2022

**Resolution No. 2022-009:** Moved by Mary Tivy and  
Seconded by John Levak

**That the Heritage Goals and Objectives 2021-2022 be received; that Barb to provide Township with Doors of Puslinch information; that John Arnold and John Levak to report back at the next committee regarding the Doors of Puslinch Project; that the secretary includes an item on the April 2022 meeting regarding the expansion of Heritage Register; that the secretary provide the orientation package for new members of Council and Committee members to the sub-committee for comment and review; property standards by-law report to be included in the next meeting and a subcommittee to be established at the April 2022 meeting.**

**CARRIED**

The following is a brief update on the status of some of the items in the January 10<sup>th</sup> resolution:

- Barb Jefferson provided the Doors of Puslinch information to the Township.
- The orientation package for new members of Council and Committee members is still under review. This will be provided to the sub-committee for comment and review once it has been completed.
- A report regarding property standards has been prepared and is on the agenda as item 10.3 Report HER – 2022-005 – Abandoned Heritage Structures and Property Standards By-Law

### **Heritage Committee Goals and Objectives: Projects in Progress:**

#### **Quarterly Report to Council:**

A progress report was prepared regarding the Heritage Committee with updates on any ongoing projects for the March 2, 2022 Council meeting. Another progress report will be prepared for the May 4, 2022 Council meeting.

#### **Doors of Puslinch:**

This project has been put on hold for now. John Arnold and John Levak will provide future updates on the status of the project as they are available.

#### **Additions to the Heritage Register:**

A report has been provided on this agenda detailing updates to the Register as item 10.5 Report HER – 2022-007 – Heritage Register Update.

In addition, two Committee Memos have been included on this agenda, prepared by Mary Tivy, regarding additional proposed structures and landscapes that could be added to the Municipal Register.

Councillor Matthew Bulmer will also prepare a Committee Memo regarding Built Landmarks to be brought to a future Heritage Committee meeting.

#### **Public Engagement:**

A grant application has been applied for through Young Canada Works for a heritage student. The heritage student will assist with public engagement regarding heritage initiatives. A report has been provided on this agenda detailing the potential heritage student as item 10.7 Report HER – 2022-009 – Potential Heritage Student Update.

**Committee Training:**

The report HER – 2022-004 – Community Ontario Heritage Conference – Budget and Attendees will provide more detailed information on the conference and budget information for any Heritage Committee member that wishes to attend.

John Levak identified two free webinars of interest for Committee members to attend:

- Reconciliation in Heritage: March 30<sup>th</sup> at 12:00 – 1:00 PM
  - <https://regenerationworks.ca/event/?id=88460033915>
- Heritage Conservation and Real Estate Economics: Unpacking Factors Affecting Heritage Property Investment: April 13<sup>th</sup> at 12:00 – 1:00 PM
  - <https://regenerationworks.ca/event/?id=83353310181>

**Advisory Committee Orientation Package:**

Staff are in the process of finishing this package. Once complete, this will be sent to the sub-committee for comment and review.

**Heritage Property Visits:**

With Covid-19 restrictions easing across the province, heritage property visits may soon begin.

**First Nations Sites and Heritage:**

The sub-committee to resume research.

**Land Acknowledgement Statement:**

There are no updates at this time.

**Financial Implications**

There are financial implications for those attending the Community Heritage Ontario Conference in Brockville. These costs are covered in report HER – 2022-004 – Community Ontario Heritage Conference – Budget and Attendees.

**Attachments****Schedule A – 2021-2022 Heritage Committee Goals and Objectives**

## Schedule A: 2021-2022 Heritage Committee Goals and Objectives

## Legend:

Yellow: On going

Green: Completed

Goal/Objective	Sub-Committee	Budget	Person(s) Responsible	2021-2022 Status/Timeline Update
Reporting to Council on Heritage initiatives and progress	N	N	<b>Secretary of the Committee to draft report based Committee approved reporting template (see attached Schedule A - Report Template)</b>	Report to Council to go to the March 2, 2022 meeting. Next report to Council to go to the May 4, 2022 meeting.
Doors of Puslinch Poster	Y John Arnold John Levak	Y	<b>Sub-Committee to be established to investigate costs and funding opportunities; additionally to coordinate the printing, advertising, and sale of posters and determining copyright requirements of poster. (Potential for Bang the Table Project)</b>	Project on hold. Sub-committee to continue to consider future opportunities for the poster and its distribution.
Heritage Register	Y Mary Tivy Barb Jefferson	N	<b>Sub-Committee to be established to review the report prepared by staff to create the Registry for Listed Properties. Committee to delegate the sub-committee to have the authority to complete the Heritage Register</b>	Complete

Additions to the Heritage Register	Y Barb Jefferson Mary Tivy	N	<b>Research other types of heritage properties to add to the Heritage Register</b>	Sub-committee to research plank on plank homes, barns and other structures of historical importance.  Staff to add a form to website for any interested residents to proposed to add their property to the Heritage Register
Heritage Signage	Y Barb Jefferson Mary Tivy	Y	<b>Sub-Committee to be established to create a listing of potential landmarks; Sub-Committee to investigate potential funding opportunities for Heritage Landmark Signage</b>	Subcommittee to continue to look into signage across the Township
Old School Surveys	N	N	<b>Original survey of the school sections. Councillor Bulmer had presented this. What should be done with this?</b>	Stored at the Old Wellington County Archives. Complete
Review Heritage Committee Terms of Reference & Appoint Chair and Vice-Chair (every 2 years)	N	N	<b>See Terms of Reference attached as Schedule B; Chair and Vice-Chair to be appointed at January meeting</b>	Completed January 2021. J. Arnold and B. Jefferson to remain in their positions as Chair and Vice-Chair
Public Engagement regarding the Heritage Committee and its mandate	Y Mary Tivy John Arnold	N	<b>Establish Sub-Committee at Jan 2021 meeting; potential engagement options: Township website, Bang the Table, Puslinch Pioneer, Puslinch Community News Letter; Heritage Articles for the Puslinch Pioneer.</b>	Sub-Committee to continuing working with the Heritage Committee Secretary to find new engagement opportunities

			<b>Walking tour to tie in with Heritage Registry.</b>	
Committee Training	N	Y	<b>Secretary to look into training opportunities for the Committee</b>	Community Heritage Ontario is having a conference in June, 2022. Heritage Committee members will identify at the April 2022 meeting, who will be attending.
Preparation of Heritage Advisory Committee orientation package to new members of Council and Committee	Y Mary Tivy John Levak	N	<b>Sub-Committee to be established in October 2021; work with Secretary to develop orientation materials</b>	Once complete, the orientation package will be provided to sub-committee for their comments and review.
Plaquing Program	N Committee as a whole to undertake this project.	Y	<b>Sub-Committee to be established to identify the number and location of plaques each year to be included in the annual budget process</b>	Plaques have been ordered and the plaques will be available for pick up in February.
Heritage Property visits	Y	N	<b>List of potential properties to visit</b>	Deferred until it is safe to resume due to COVID 19.
Document and acknowledge First nation sites and heritage.	Y Mary Tivy Councillor Bulmer	N	<b>Establish Sub-Committee at Jan 2021 meeting; Sub-Committee to create list of sites and heritage.</b>	Sub-Committee to continue their research. Connect the terms of reference and the role of the committee to be consistent with the Land Acknowledgement Statement.
Land Acknowledgement Statement	N	N		TBD. Staff to confirm with municipal partners and report back to the Committee on the progress.



## **REPORT HER-2022-004**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Community Heritage Ontario Conference – Budget and Attendees

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-004 regarding the Community Heritage Ontario Conference – Budget and Attendees be received; and**

**That the Heritage Committee provide a list of members interested in attending the conference and,**

**That Staff register selected Heritage Committee members for the conference prior to May 16 in order to register at the early bird conference rate.**

### **Purpose**

The purpose of this report is to provide the Heritage Committee with budget and registration information for the upcoming Community Heritage Ontario Conference in Brockville, Ontario on June 16-18, 2022.

### **Background**

Information regarding the Community Heritage Ontario conference was presented to the Heritage Committee at the January 10<sup>th</sup> Heritage Committee meeting. The following resolution was passed regarding the conference:

10.2 Conference Budget 2022 – Update from H. Miller

**Resolution No. 2022-008:**

Moved by John Levak and  
Seconded by Barb Jefferson



**That the verbal report on the update of the CHO conference budget be received; and,**

**That a decision be made at the April 2022 meeting for any committee members that would like to attend.**

**CARRIED**

Community Heritage Ontario has update their website regarding the conference. More information about the conference can be found here:

<https://www.ontarioheritageconference.ca/>

Staff will register any Heritage Committee member that wishes to attend the conference. Arranging for accommodations, meals and transportation to and from the conference will be the individual responsibility of the Heritage Committee member attending the conference.

### **Financial Implications**

Registration for the conference opens on March 16. The cost of the full conference is \$245 if booked before May 16. This cost includes the following: Thursday Welcome Reception, Friday & Saturday sessions, Friday & Saturday and Refreshment Breaks and Lunches and Friday Gala Dinner.

A budgetary allowance of \$500.00 has been allotted to training in the 2022 Heritage Committee budget. The Director of Finance has indicated that costs from the budgetary items of mileage, meals and accommodations may be used in order to cover the cost for additional Heritage Committee members that would like to attend the conference. A combined total amount of these budget items is \$1300.00.

Any remaining funds in the budget items for mileage, meals and accommodations will be split amongst the members of the Heritage Committee attending the conference. It will be the responsibility of each Heritage Committee member to provide any remaining funds for their accommodations, meals and mileage.

### **Attachments**

**Schedule A – Heritage Committee 2022 Budget**





## **REPORT HER-2022-005**

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TO: Heritage Committee

FROM: Jeff Bunn, Deputy Clerk

MEETING DATE: April 4, 2022

SUBJECT: Abandoned Heritage Structures and Property Standards By-law

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### **RECOMMENDATIONS**

**THAT Report HER-2022-005, regarding abandoned heritage structures and Property Standards By-law, be received as information.**

#### **Purpose**

The purpose of this report is provide the committee with information relating to the *Ontario Heritage Act, Building Code Act, Township's Property Standards By-law, and By-law Enforcement & Complaint Policy* in relation to heritage structures.

#### **Background**

At the October 4, 2021 Heritage Committee Meeting, members of the Committee expressed concerns with the maintenance and preservation of abandoned heritage properties. Staff advised that a report would be prepared outlining the scope of the property standards by-law, Township enforcement policies, and provincial legislation in relation to the maintenance and preservation of abandoned heritage properties.

Committee members mentioned a number of communities that have specific protections for heritage structures. Staff have reviewed the following municipalities' property standards by-laws: Town of Erin, Town of Minto, Township of Centre Wellington, Guelph/Eramosa Township, Township of Mapleton, Township of Wellington North, and the City of Hamilton.

Based on staff's review, it appears as through those specific by-laws make reference to additional protections and reference properties with designated status under the OHA. As to be highlighted,

the Township’s Property Standards is inclusive of the protections afforded by the OHA to municipalities to protect and preserve abandoned heritage structures.

Feedback on these tools, including any suggested enhancements, will be documented and provided to the appropriate staff for consideration during the next regularly scheduled review of the applicable Township By-law and/or policy. The Heritage Committee is invited to provide feedback and comments that will be included for consideration during a future review.

The ensuing section of this report will outline the provincial and Township legislated and policy environment relating to the maintenance and preservation of abandoned heritage properties, including: the *Ontario Heritage Act*; the Township’s Property Standards By-law and the *Building Code Act, 1992*; and, Township Policy No. 2021-002 – By-law Enforcement & Complaint Policy.

**Ontario Heritage Act**

The *Ontario Heritage Act* (hereafter referred to as the *OHA*) gives municipalities and the province powers to preserve the heritage of Ontario. The primary focus of the *OHA* is to provide the tools necessary to protect heritage properties and archaeological sites.

Specific powers afforded to municipalities are contained in Part IV (Conservation of Property of Cultural Heritage or Interest) and Part V (Heritage Conservation Districts) of the *OHA*. There are currently no Part V Heritage Conservation districts within the Township. Part IV regulates the creation and listing of heritage sites to the municipal heritage register; the establishment, roles and responsibilities of the municipal heritage committee; and, the designation of properties by municipalities and by the Minister. The municipality may choose to *designate* or *list (undesignated)* a property of cultural heritage value or interest. The difference between designated and listed properties is outlined below:

<b>Designated Properties (OHA section 29)</b>	<b>Listed Properties (OHA section 27 (3))</b>
<ul style="list-style-type: none"> <li>- Added to the Heritage Register by municipal by-law.</li> <li>- Property owners must apply to Council for approval before any alterations that will affect the property’s heritage attributes (as described in the designation by-law).</li> <li>- Property owners must apply to Council for approval before any demolition or</li> </ul>	<ul style="list-style-type: none"> <li>- Added to the Heritage Register by council resolution.</li> <li>- 60 days notice to Township of owner’s intention to demolish or remove the building or structure.</li> </ul>

removal of heritage attributes (as described in the designation by-law).	
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The Township’s Municipal Heritage Register contains only Part IV properties with “listed” status.

Section 35.3 of the *OHA* permits the municipality to set minimum standards for the maintenance of the heritage attributes of properties that have been designated under section 29. As to be discussed further in this report, the Township has adopted provisions in the Property Standards By-law that align with Section 35.3 of the *OHA*.

Given there are no designated properties on the municipal heritage register, this section is not enforceable by the Township.

***The Building Code Act, 1992 and the Township’s Property Standards By-law 2020-10***

The Building Code Act is a legal framework governing the construction, renovation, demolition, change-of-use of buildings, and municipal property standards in the Province of Ontario. Concerning abandoned buildings, the By-law Enforcement and Property Standards Officer has the authority to:

- enter upon land at any reasonable time without a warrant to inspect the property to determine whether it conforms with the property standards by-law; and,
- make an order directing compliance with the property standards by-law and may require the order to be carried out immediately or within such time as is specified in the order.

(Note: the definition of “property” under the Township’s Property Standards By-law is as follows: “Property” means a building or accessory building, or part of a building or accessory building, and includes all the lands and premises within the boundary lines of the property, all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property.”)

Established pursuant to Section 15 (2) of the *Building Code Act, 1992, S.O. 1992, c. 23.*, the Township’s Property Standards By-law prescribes the minimum property standards for the maintenance and occupancy of buildings, structures, and surrounding lands.

The Property Standards By-law was last reviewed by Council in 2020 and is scheduled to be reviewed by staff in 2025 as part of the Township’s 5-year review cycle.

The Property Standards By-law defines a Heritage Attribute, Heritage Property and Vacant Building as follows:

Heritage Attribute: *“an attribute of a heritage property that contributes to its cultural heritage value or interest that is defined, described or inferred:*

- a) in a By-law designating a heritage property;*
- b) in a By-law designating a heritage conservation district;*
- c) in a Minister’s Order made under the Ontario Heritage Act;*
- d) in any documentation considered as part of (a), (b) and (c) above;*

*and includes any elements, features or components that support or protect the heritage attribute.”*

Heritage Property: *“Heritage property” means a Property **designated** under Part IV or Part V or by a Minister’s Order under the Ontario Heritage Act.”*

Vacant Building: *“any building or accessory building that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:*

- a) a dwelling unit occupied by the owner on a seasonal basis but otherwise maintained throughout the year;*
- b) a building or accessory building on property used for farming purposes, except a dwelling unit.”*

The pertinent sections of the Property Standards By-law that relate to concerns for the protection of vacant heritage structures is provided below.

Property Standards By-law	Regulation
<p><b>Section 13 – Building and Accessory Building Structural Adequacy</b></p>	<p>13.2 Every part of a building or accessory building shall be maintained in good repair and in a structurally sound condition so as:</p> <ul style="list-style-type: none"> <li>a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;</li> <li>b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;</li> <li>c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration;</li> <li>d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.</li> </ul>

<p><b>Section 16 – Heritage Properties</b></p>	<p>16.1 In addition, to all other standards prescribed by this Bylaw, an owner of a <b>Heritage Property (*designated property under the OHA)</b> shall:</p> <ul style="list-style-type: none"> <li>a) protect, maintain and stabilize a heritage attribute so as to preserve the existing materials;</li> <li>b) in the conduct of a repair use only materials that match the form and detailing of the original elements of the heritage attribute; and</li> <li>c) be repaired using only recognized conservation methods.</li> </ul>
<p><b>Section 23 – Vacant Property and Vacant Buildings – Additional Standards</b></p>	<p>23.1 Vacant property shall be kept clear of all waste and other materials and equipment not otherwise permitted by the zoning by-law.</p> <p>23.2 A vacant building shall:</p> <ul style="list-style-type: none"> <li>a) be secured against unauthorized entry;</li> <li>b) be protected against the risk of fire, accident, or other danger.</li> </ul> <p>23.3 Where a vacant building has been vacant for at least sixty (60) consecutive days, a Property Standards Officer who reasonably believes that a vacant building poses a risk to safety may, in writing, require the Owner of a vacant building to do any one or more of the following, within the timeframe specified by the Property Standards Officer:</p> <ul style="list-style-type: none"> <li>a) install security measures or devices to the satisfaction of the Property Standards Officer, and such measures may include boarding of doors, windows, or other openings; or</li> <li>b) do any work or repairs which, in the opinion of the Property Standards Officer, are necessary to secure a vacant building from unauthorized entry or protect a vacant building</li> </ul>

	<p>against the risk of fire, accident, or other danger.</p> <p>23.4 Where a vacant building is boarded or required to be boarded:</p> <ul style="list-style-type: none"> <li>a. boarding materials shall be installed and maintained in good order;</li> <li>b. boarding materials shall be installed to exclude precipitation and wind from entering the vacant building, and to secure the vacant building from unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;</li> <li>c. unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;</li> <li>d. boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes.</li> </ul> <p>23.5 Where a vacant building remains vacant for more than ninety (90) consecutive days, the Owner shall ensure that all utilities serving the vacant building are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the vacant building, or unless such utilities are otherwise required by law to remain connected.</p> <p>23.6 When openings in a vacant building previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the Property Standards Officer may require the use of materials and fasteners of greater strength,</p>
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	<p>installed in such a manner to deter their removal or destruction.</p> <p>23.7 Where a vacant building has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a Property Standards Officer may issue an order to remove all previously installed boarding from windows and doors and to repair the vacant building in compliance with the standards set out in this Bylaw.</p>
<p><b>Section 25 – Orders and Compliance</b></p>	<p>25.1 An owner of property shall comply with the standards and requirements prescribed in this By-law.</p> <p>25.2 Every Property Standards Officer who finds that a property does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the Building Code Act:</p> <ul style="list-style-type: none"> <li>a) requiring the property that does not conform with the standards to be repaired and maintained to conform with the standards; or</li> <li>b) requiring that the site be cleared of all buildings or accessory buildings, structures, debris or refuse and left in a graded and leveled condition.</li> </ul> <p>25.3 Every owner of property shall comply with an order made pursuant to this By-law and the Building Code Act requiring compliance as confirmed or modified. If an order of a Property Standards Officer is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the Township may cause the property to be repaired or demolished accordingly.</p>

Additionally, all properties have additional maintenance standards and protection under the Property Standards By-law and *Residential Tenancies Act* (if there are tenants occupying any buildings), regardless of the status of the OHA.

***Policy No. 2021-002 – By-law Enforcement & Complaint Policy***

Council has adopted Policy 2021-002 relating to By-law Enforcement Complaints. The purpose of the Policy is threefold:

- 1. To provide a formal policy and procedure governing the handling of by-law Complaints by the Township of Puslinch and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof. This policy is intended to apply to both municipal by-laws and provincial statutes which the Municipality is responsible for enforcing.*
- 2. The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance with municipal by-laws through education and enforcement.*
- 3. The Municipality shall generally operate on a reactive Complaint based process in regards to municipal law enforcement with the exception of a violation that is an immediate threat to health or safety.*

The Policy outlines the steps the Municipality will take when a complaint is filed by a citizen of Puslinch. It is also important to highlight, as noted above, the Township generally operates on a reactive complaint based process. It is not feasible due to limited resources (e.g., staffing and financial) to proactively seek infractions of Township By-laws or provincial statutes. In addition to resourcing and practicality, in general when a matter proceeds through enforcement to judicial review, the initial complaint is a critical part of the enforcement file in order to demonstrate due process and reduce perception of cherry-picking, political or staff influence, etc., towards property owners.

The Township encourages citizens who identify a potential By-law infraction to file a complaint online at [puslinch.ca/forms/by-law-complaint-form/](https://puslinch.ca/forms/by-law-complaint-form/).

**Addressing Abandoned Heritage Structures**

The Township has legislative and policy tools available to respond to abandoned heritage structures. The Township's Property Standards By-law regulates the maintenance of vacant buildings regardless of the property's status on the Heritage Register, and the Township's By-law

Enforcement & Complaint Policy provides a tool to enforce the minimum standards of the By-law.

Since 2014, the Township has received seventy-five (75) property standards complaints; seven (7) of which related to either vacant buildings or heritage properties. All of these complaints were investigated by a Township By-law Enforcement and Property Standards Officer.

If any person is aware or suspects a vacant building within the Township does not meet the minimum standards of the Property Standards By-law, or is visibly derelict, staff encourage filing a complaint online at [puslinch.ca/forms/by-law-complaint-form/](https://puslinch.ca/forms/by-law-complaint-form/).

### **Financial Implications**

There are no Financial Implications associated with this report.

### **Attachments**

Schedule A: Property Standards By-law 2020-010

Schedule B: Policy No. 2021-002 – By-law Enforcement & Complaint Policy

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020 - 010

**A By-law Prescribing Standards for the  
Maintenance and Occupancy of Property**

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, authorizes the council of a municipality to pass a bylaw prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the County of Wellington Official Plan for the Township of Puslinch includes provisions relating to property conditions;

AND WHEREAS Section 15.6(1) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended requires that a By-law passed under Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

**1.0**            TITLE AND SCOPE

1.1            This By-Law may be referred to as “The Property Standards By-Law”.

1.2            The standards for maintenance and occupancy of **property** set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all **property** within the **Township**.

1.3 No **person** shall occupy a **property** if there is a condition which poses or constitutes an **unsafe condition**.

1.4 A **property** within the **Township** that does not conform with the standards contained in this By-law shall be:

(a) **repaired** and maintained to conform with such standards; or

(b) cleared of all **buildings, accessory buildings, structures** or **waste** and left in a graded and levelled condition.

1.5 This By-law does not apply so as to prevent an agricultural operation, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

1.6 This By-law does not apply so as to prevent an agricultural use, meeting the definition of "agricultural use" under this By-law.

## 2.0 APPLIED MEANING OF WORDS AND TERMS

2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

## 3.0 DEFINITIONS

In this By-law:

**"Accessory building"** means a detached **building** or **structure**, not used for human habitation that is subordinate to the primary use on the same **property**.

**“Basement”** means that portion of a **building** between two floors, which is partly underground of the first floor joists above the average finished grade level adjacent to the exterior walls of the **building** and includes a crawl space and cellar.

**“Boat”** includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land.

**“Building”** means a building as defined in the ***Building Code Act***, or a **structure** used or intended to be used for supporting or sheltering any use or occupancy.

**“Building Code Act”** means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended and any prescribed regulations under the *Building Code Act*.

**“Committee”** means the **Township’s** Planning and Development Advisory Committee or a Property Standards Committee established under this By-law.

**“Compost”** means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves.

**“Council”** means the Council for the **Township**.

**“ Dwelling”** means a **building** or part of a **building**, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

**“ Dwelling unit”** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a

domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities.

**“Exterior property areas”** means the **property** and **yard**, exclusive of a **building** and an **accessory building**.

**“Fence”** means a **structure**, wall or barrier, other than a **building**, erected at grade for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

**“Firewood”** means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a **building**, **accessory building** or **structure** currently under construction on the **property** or for which there is a current or regular use.

**“Ground cover”** means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

**“Guard”** means a protective barrier installed around openings in floor area or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, or other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

**“Habitable room”** means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway,

storage room, furnace room or other accessory space used for service, maintenance or access within a **building**.

**“Heritage attribute”** means an attribute of a **heritage property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

(a) in a By-law designating a **heritage property**;

(b) in a By-law designating a heritage conservation district;

(c) in a Minister’s Order made under the *Ontario Heritage Act*;

(d) in any documentation considered as part of (a), (b) and (c) above;

and includes any elements, features or components that support or protect the heritage attribute.

**“Heritage property”** means a Property designated under Part IV or Part V or by a Minister’s Order under the *Ontario Heritage Act*.

**“Landlord” includes:**

a) The owner of a rental unit or any other person who permits occupancy of a **rental unit**, other than a **tenant** who occupies a **rental unit** in a residential complex and who permits another person to also occupy the unit or any part of the unit; and, b) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (a).

**“Naturalized Area”** means an area that has been implemented or naturally occurring areas to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof and includes natural areas such as wooded lots, managed commercial woodlots, forests and wetlands.



**“Occupant”** means any **person** or **persons** over the age of eighteen years in possession of the **property**.

**“Openable area”** means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**“Owner”** includes,

- (a) the **person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **person’s** own account or as agent or trustee of any other **person**, or who would receive the rent if the land and premises were let; and
- (b) a lessee or **occupant** of the **property** who, under the terms of a lease, is required to **repair** and maintain the **property** in accordance with the standards for the maintenance and occupancy of **property**.

**“Person”** includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

**“Property”** means a **building** or **accessory building**, or part of a **building** or **accessory building**, and includes all the lands and premises within the boundary lines of the property, all mobile structures, mobile buildings, mobile homes, outbuildings, **fences**, **retaining walls**, and erections thereon, whether heretofore or hereafter erected, and also includes **vacant property**.

**“Property Standards Officer”** shall mean a Property Standards Officer who has been appointed by by-law to administer and enforce this By-law.

**“Rental Unit”** means a dwelling unit used, or intended to be used, for a **residential tenancy**.

**“Repair”** includes the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the standards established in this By-law.

**“Residential rental property”** includes a **rental unit** and the **yards**;

**“Residential Tenancy”** means the lease of residential premises for residential purposes.

**“Retaining wall”** means a **structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

**“Safe condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk of life, limb or health of any **person** on or about the **property**, and includes a structurally sound condition.

**“Sewage”** means water-carried waste, together with such ground, surface and storm waters as may be present.

**“Sewage system”** means the **Township’s** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system.

**“Structure”** means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

**“Tenant”** means a person who pays rent or is required to pay rent in return for a right to occupy a **rental unit**.

**"Township"** means the Corporation of the Township of Puslinch or the land within the geographic limits of the Corporation of the Township of Puslinch as the context requires.

**"Unsafe condition"** means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**.

**"Vacant building"** means any **building or accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) a **dwelling unit** occupied by the **owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) a **building or accessory building on property** used for farming purposes, except a **dwelling unit**.

**"Vacant property"** means a **property** that does not have a **building or accessory building**.

**"Waste"** includes any debris, rubbish, refuse, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying on a **property** due to exposure to the weather.

**"Yard"** means the land within the boundary lines of a **property** not occupied by a principal building in Residential Zones and means the Required Yard as defined in the Zoning Bylaw for all other zones.

4.0 EXTERIOR PROPERTY AREAS – GENERAL REQUIREMENTS

4.1 **Exterior Property Areas** shall be free from:

- (a) **waste**;
- (b) injurious insects, termites, rodents, vermin and other pests and any condition that may promote an infestation except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (c) excessive growth of weeds and grass exceeding 12 inches in height, except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **unsafe condition** for abutting land owners;
- (e) wrecked, dismantled, derelict, inoperative, discarded, unused or an unlicensed vehicle or trailer, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;
- (f) wrecked, dismantled, derelict, inoperative, discarded or unused **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;

- (g) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly condition out of character with the surrounding environment;
- (h) dilapidated or collapsed **building** or **accessory building** and any unprotected well or other **unsafe condition** or unsightly condition out of character with the surrounding environment;
- (i) stagnant water except in a **Naturalized Area**;
- (j) accumulation of animal excrement, except in connection with a lawful agricultural use on a **property**.

4.2 Suitable **ground cover** shall be provided to prevent erosion of the soil.

4.3 Hedges, plantings, trees or other landscaping including lighting, required by the **Township** as a condition of site development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping or lighting, so as to carry out its intended function and maintain an attractive appearance.

4.4 An abandoned or unused well, septic tank or a hole on a **property** shall be filled or safely covered and protected.

## 5.0 DRAINAGE

5.1 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.

5.2 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the **property** from which it originates until absorbed by the soil or drained

to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

5.3 No water shall be drained from a swimming pool, pond or other waterholding device on to abutting properties.

## 6.0 HEALTH

6.1 All **sewage** shall be discharged into an approved **sewage system**.

## 7.0 BUFFERING

7.1 **Property** which, because of its use or occupancy, or for other reasons is required to be buffered shall:

- (a) maintain an effective barrier to prevent lighting and vehicle headlights from shining directly into a **dwelling unit**;
- (b) maintain an effective barrier to prevent wind-blown **waste** from encroaching on an adjacent **property**;
- (c) maintain a visual screen, to minimize the visual impact of a nuisance to a **person** who owns or occupies an adjacent **property**.

## 8.0 RETAINING WALLS

8.1 A **retaining wall** shall be maintained in good **repair** and free from accident hazards.

8.2 Without restricting the generality of section 8.1 the maintenance of a **retaining wall** may include:

- (a) redesigning, **repairing** or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and **guards** appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the **retaining wall**;
- (c) grouting masonry cracks;
- (d) applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
- (e) where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

**9.0**            SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1            GENERAL

9.1.1          The following additional standards shall only apply to a residential rental property:

a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:

- I. Safe
- II. Clean
- III. In a state of good repair
- IV. Fit for habitation; and,
- V. Free from accumulations of snow and ice;

b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of tenants.

9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.

9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2.0 RECREATIONAL FACILITIES, LAUNDRY FACILITIES ROOMS AND AREAS

9.2.1 A recreational facility, laundry facility, mail collection area including mailboxes, room or area and the equipment and appliances provided in connection therewith shall be:

- (a) maintained in an operable and usable condition;
- (b) maintained in a **safe condition**;
- (c) with the exception of an outdoor recreational facility, maintained in a clean condition.

9.3.0 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS AND FUEL BURNING APPLIANCES

9.3.1 Every **building** containing an occupied **dwelling unit** or **habitable room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius between the 15<sup>th</sup> day of September to the 1<sup>st</sup> day of June the following year. A heating system shall be maintained in good working



condition so as to be capable of safely heating the **dwelling unit** or **habitable room** to the required standard.

- 9.3.2 No rental **dwelling unit** shall be equipped with portable heating equipment as a primary source of heat.
- 9.3.3 A fuel burning appliance shall:
- (a) have ample air supply to permit combustion to occur with optimum oxygen available;
  - (b) be located in such a manner as to prevent impediment to the free movement of a **person** and the overheating of adjacent materials and equipment;
  - (c) have **guards** where necessary to minimize the risk of an accident.
- 9.3.4 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a **safe condition** and location so as to be free from fire or accident hazard.
- 9.3.5 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke pipe, vent pipe, chimney flue or other approved method and as may be required by the **Building Code Act**.
- 9.3.6 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the escape of smoke, fumes or gases from entering a **building**. Maintenance may include the removal of obstructions, sealing open joints, and the **repair** of loose or broken masonry units.
- 9.3.7 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the

heating of adjacent combustible material or structural members to unsafe temperatures.

9.4.0 AIR CONDITIONING

9.4.1 An air conditioner shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.

9.4.2 Cooling water from water-cooled equipment shall not be discharged on a driveway, walkway or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to a wall, foundation or part of a **building** or **accessory building**.

9.4.3 The discharge of cooling water from water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

9.5.0 INTERIOR LIGHTING

9.5.1 Interior lighting standards and fixtures shall comply with the requirements of section 10.

9.6.0 VENTILATION

9.6.1 Sufficient ventilation shall be provided to all areas of a **building** or an **accessory building** so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential **unsafe condition** or to become a nuisance.

9.6.2 A kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.

- 9.6.3 An enclosed area of a **building** or an **accessory building** including a **basement** and an attic shall be adequately ventilated.
- 9.6.4 A system of mechanical ventilation shall be maintained in good working order.
- 9.7.0 PLUMBING
- 9.7.1 A **dwelling unit** shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health and/or the Chief Building Official of the **Township**.
- 9.7.2 A washbasin, bathtub or shower, and one kitchen sink in a **dwelling unit** shall be equipped with an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43 degrees Celsius and a maximum of 49 degrees Celsius.
- 9.7.3 A fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbor germs or impede thorough cleansing.
- 9.7.4 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working order free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 9.7.5 All plumbing fixtures in every **building** or **accessory building** shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a **sewage system** approved by the authority having jurisdiction.

9.7.6 All toilet facilities, sanitary conveniences and washing facilities shall be maintained:

- (a) in good working order;
- (b) in a clean and sanitary condition;
- (c) and supplied with hot and cold running water, with cold water connection only to toilets and urinals;
- (d) and connected to the drainage system.

9.8.0 KITCHEN

9.8.1 A **dwelling unit** shall contain a kitchen area equipped with:

- (a) one sink surrounded by a surface that is impervious to grease and water;
- (b) a suitable storage area;
- (c) a counter or work area, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

9.8.2 A cooking appliance and a refrigeration appliance shall be maintained in a good state of **repair** and operating condition.

9.9.0 BATHROOM

9.9.1 A **dwelling unit** shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit.

- 9.9.2 A bathroom and a toilet shall be located within and accessible from within the **dwelling unit**.
- 9.9.3 Where a toilet or bathroom facility is shared by occupants of a residential accommodation, other than a self contained **dwelling unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facility.
- 9.9.4 Every wall surrounding a shower shall be of impervious material and shall be maintained in a good state of **repair**.
- 9.9.5 A bathroom as required by section 9.9.1 shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.
- 9.10.0 FLOORS
- 9.10.1 A floor shall be smooth, level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an **unsafe condition** or surface. A defective floor shall be **repaired** or replaced.
- 9.10.2 Where a floor covering has become worn or torn so that it retains dirt or may create an **unsafe condition**, the floor covering shall be **repaired** or replaced.
- 9.10.3 A bathroom, kitchen and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 9.11.0 ELECTRICAL SERVICE

- 9.11.1 A **dwelling** and **dwelling unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 9.11.2 The capacity of the connection to a **building** or **accessory building** and the system of circuits distributing the electrical supply of the **building** or **accessory building** shall be adequate for the use and intended use.
- 9.11.3 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order, free from fire and accident hazards.
- 9.12.0 DISCONNECTED UTILITIES
- 9.12.1 An **owner** of a residential **building** or any **person** acting on behalf of such **owner** shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a **dwelling unit** and **habitable room** occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of **repairing**, replacing or otherwise altering said service or utility.
- 9.13.0 INTERIOR WINDOWS, DOORS, SURFACES, FLOORS AND STAIRS
- 9.13.1 Interior windows, doors, surfaces, floors and stairs shall be maintained:
- (a) in a clean, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
  - (b) in good working order and good state of **repair**, free from holes, loose, broken, warped, torn, damaged or decayed boards or materials;

- (c) free from depressions, protrusions, deterioration or other defects which could create an **unsafe condition** or which are out of character with the normal use of the area in which such defect occurs;
- (d) so as to afford the fire resistive properties and other protection for which they shall be designed; and
- (e) free of any graffiti, markings, stains or other defacement.

9.13.2 Interior windows and doors shall also comply with the requirements of section 19.

9.14.0 INTERIOR STRUCTURE – COLUMNS AND BEAMS

9.14.1 A **building** and an **accessory building** and all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be maintained with material adequate for the load to which they are subjected to.

9.15.0 WALLS-CEILINGS

9.15.1 Every interior surface and finish of walls and ceilings shall be maintained:

- (a) in good state of **repair**, a surface which is reasonably smooth, clean, tight and easily cleaned;
- (b) free of holes, cracks, loose plaster or other material;
- (c) in a **safe condition**;
- (d) so as to possess the fire resistant properties required by the **Building Code Act** and the *Fire Protection and Prevention Act*, as amended.

9.16.0 ELEVATORS

9.16.1 An elevator, an elevating device, dumb-waiters, hoists, escalators, incline lifts including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good state of **repair**, operable and in a **safe condition**.

10.0 LIGHTING STANDARDS AND FIXTURES

10.1 Lighting standards and fixtures shall be kept in a **safe condition**, in good working order and in good visual condition.

11.0 FENCES

11.1 A **fence** on a **property** separating adjoining **property** shall:

- (a) be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (b) be maintained in a good state of **repair** and free of accident hazards;
- (c) not present an unsightly appearance.

11.2 Without restricting the generality of section 11.1 the maintenance of a **fence** may include:

- (a) protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the **fence** are enhanced by the lack of such treatment.

12.0 WALKWAYS, DRIVEWAYS, RAMPS, PARKING AREAS AND LANDINGS



- 12.1 A parking area, driveway, walkway and other similar public access areas of an **exterior property area** shall be kept clean and free from **waste**, objects or conditions that may create an **unsafe condition**, health, fire, accident hazard or unsightly condition.
- 12.2 An **owner** shall cause any snow disposal site or snow storage site on a **property** to be:
- (a) maintained so as not to cause a hazard on the **property**; and
  - (b) maintained in such a manner and location on the **property** so as to prevent a hazard, flooding, erosion and other damage to a neighbouring **property**.

**13.0** BUILDINGS AND ACCESSORY BUILDINGS  
STRUCTURAL ADEQUACY - CAPACITY

- 13.1 All **repairs** and maintenance of **property** required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for that purpose.
- 13.2 Every part of a **building** or **accessory building** shall be maintained in good **repair** and in a structurally sound condition so as:
- (a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;
  - (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;

- (c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration;
- (d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

13.3 The abating of an **unsafe condition** may include:

- (a) the provision or **repair** of stairs, balustrades, railings, **guards** and screens so as to minimize the risk of accident;
- (b) the elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to **persons** normally in or about the subject **building, accessory building**, room, suite of rooms or space;
- (c) the installation of a handrail in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in a good state of **repair**.

#### 14.0 HEALTH AND WASTE

14.1 A **building** and **accessory building** on a **property** shall be kept free of mould, **waste** and pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

14.2 In a **dwelling unit**, sufficient rooms, containers and receptacles shall be maintained to safely contain all **waste**, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with any applicable by-laws.

- 14.3 An external container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to injurious insects, termites, rodents, vermin or other pests.
- 14.4 Every **building** and **accessory building** shall be provided with sufficient proper receptacles to contain all **waste**, which accumulates on the **property**, and such **waste** shall be placed for collection in proper receptacles in compliance with applicable laws.
- 14.5 A receptacle for **waste** shall be:
- (a) provided with a tight fitting cover;
  - (b) maintained in good working condition and order without holes or spillage; and
  - (c) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or **waste**.
- 14.6 Garbage chutes, disposal and collection rooms shall be:
- (a) washed down and disinfected as necessary so as to maintain a clean and odour free condition; and
  - (b) maintained in good working order.
- 14.7 Injurious insects, termites, vermin, rodents and other pests shall be exterminated and appropriate measures shall be taken to prevent their re-entry to a **building** or **accessory building** on a **property**.
- 14.8 In a **dwelling**, openings in the exterior walls or roof shall be fitted and maintained to protect all habitable space from water and weather entry, and to make such space free from drafts.

- 14.9 No portion of a **dwelling** shall be used for human habitation unless:
- (a) the floors, walls and ceiling areas are watertight and free from dampness and mould at all times;
  - (b) the total window area, the total **openable area** for natural ventilation and the ceiling height are in accordance with the provisions of the **Building Code Act** or, alternatively, reventilation and/or mechanical ventilation is provided as prescribed by the **Building Code Act**;
  - (c) the required minimum window area of every **habitable room** is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation.

#### 15.0 COMPOST

15.1 **Compost** on a **property** shall be maintained in a composter or an open **compost** pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height.

15.2 A composter or an open **compost** pile shall be kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

#### 16.0 HERITAGE PROPERTIES

16.1 In addition, to all other standards prescribed by this By-law, an owner of a **Heritage Property** shall:

- (a) protect, maintain and stabilize a **heritage attribute** so as to preserve the existing materials;

(b) in the conduct of a repair use only materials that match the form and detailing of the original elements of the **heritage attribute**; and

(c) be repaired using only recognized conservation methods.

## 17.0 FOUNDATIONS

17.1 A foundation of a **building** or an **accessory building** shall be maintained in good state of **repair** so as to prevent settlement detrimental to the appearance of the **building** or **accessory building**, or the entrance of moisture, vermin, termites, insects or rodents into the **building** or **accessory building**.

17.2 Without limiting the generality of section 17.1, the maintenance of a foundation may include:

- (a) the jacking-up, underpinning or shoring of the foundation where necessary;
- (b) the extension of footings and foundations below grade or regrading to provide adequate frost cover;
- (c) installing subsoil drains at the footing where such would be beneficial;
- (d) the grouting of masonry cracks;
- (e) waterproofing the wall and joints;
- (f) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the **building** or **accessory building**;

- (g) **repairing** or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (h) making sills, piers, posts or other supports insect-proof by the application of suitable materials; and
- (i) coating with a preservative.

**18.0**      EXTERIOR WALLS, COLUMNS AND BEAMS

18.1      The components of an exterior wall of a **building** or an **accessory building** shall be maintained:

- (a) in good state of **repair** and in a **safe condition**;
- (b) weather tight;
- (c) free from loose or unsecured objects or materials;
- (d) so as to prevent the entrance of insects, termites, vermin, rodents or other animals;
- (e) so as to prevent deterioration due to weather, insects, vermin, termites, rodents and other animals; and
- (f) so as to prevent deterioration detrimental to the appearance of the **building** or an **accessory building**.

18.2      Without restricting the generality of section 18.1, the maintenance of an exterior wall of a **building** or an **accessory building** may include:

- (a) the applying of materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;

- (b) the applying of materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- (c) the restoring, **repairing** or replacing of:
  - i) the wall;
  - ii) the masonry units and mortar;
  - iii) the stucco, shingles or other cladding;
  - iv) the coping; and
  - v) the flashing and waterproofing of the wall and joint.

18.3 Exterior columns and beams and any decorative trim shall be maintained in a good state of **repair** and in a **safe condition**. Where necessary, such columns, beams and trim shall be restored, **repaired** or replaced and suitably protected or treated against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the **building** or **accessory building**.

**19.0** EXTERIOR DOORS, WINDOWS AND OTHER OPENINGS –  
CANOPIES-MARQUEES-AWNINGS

19.1 Shutters, windows, doors, hatchways and other exterior openings in a **building** or an **accessory building** shall be kept weather tight, draft free, and in good state of **repair** and working order.

19.2 Without restricting the generality of section 19.1, the maintenance of a shutter, window, door, hatchway and other exterior opening may include:

- (a) painting or the applying of a similarly effective preservative;
- (b) the **repair**, replacement or renewing of damaged, decaying, missing or defective:

- i) doors;
- ii) door frames and casings;
- iii) windows and window sashes;
- iv) window frames and casings;
- v) shutters;
- vi) screens;

(c) refitting doors, windows, shutters or screens;

(d) reglazing or fitting with an translucent substitute;

(e) rescreening;

(f) using other approved means of weatherproofing where the opening is used or required for ventilation or illumination and is not protected by a window, door or similar closure:

- i) screening with wire mesh, metal grills or other equivalent durable material; or
- ii) other protection so as to effectively prevent the entry of insects, termites, rodents, vermin or other animals.

19.3 Glazed doors, windows and other transparent surfaces shall be kept clean so as to permit unimpeded visibility and unrestricted passage of light.

19.4 A window in a **dwelling unit** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of insects.

19.5 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **building** or **accessory building** from being protected from damage or to prevent entry, for such time as determined by section 23.



- 19.6 A canopy, marquee or awning shall be properly anchored so as to be kept in a **safe condition** and shall be protected from decay and rust by a periodic application of weathercoating material.
- 19.7 A **building** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **building** at street or grade level.
- 19.8 A door that facilitates access to or egress from a **dwelling unit** shall be equipped with locks, and shall be maintained in a good state of **repair** and in an operating condition.

**20.0** EXTERIOR STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES AND FIRE ESCAPES

- 20.1 An exterior stair, veranda, porch, deck, loading dock, balcony, fire escapes and every appurtenance attached thereto shall be maintained, reconstructed or **repaired** so as to be safe to use and capable of supporting the loads to which it may be subjected, as specified in the **Building Code Act**, and shall be kept in **safe condition** and good state of **repair**, free of all accident hazards and other deterioration or objects detrimental to the appearance of the **building** or **accessory building**.
- 20.2 Without restricting the generality of section 20.1, the maintenance, reconstructing or **repairing** of an exterior stair, veranda, porch, deck, loading dock, balcony and fire escape may include:
- (a) **repairing** or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;

- (b) **repairing**, renewing or supporting structural members that are rotted, deteriorated or loose;
- (c) providing, **repairing** or renewing **guard** rails, railings and balustrades; and
- (d) painting or the applying of an equivalent preservative.

20.3 Exterior stairs and fire escapes shall be kept free from ice and snow.

## **21.0** ROOFS AND ROOF STRUCTURES

21.1 A roof, roof deck, roof structures including solar energy panels, wind generators and related **guards** of a **building** or **accessory building** shall be:

- (a) weather tight and free from leaks;
- (b) free from loose or unsecured or unsafe objects and materials;
- (c) free from accident hazards;
- (d) free from dangerous accumulation of ice and snow;
- (e) kept in a good state of **repair** and in a **safe condition**;
- (f) free from other unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

21.2 An eaves trough, roof gutter and downpipe shall be kept:

- (a) in good **repair**;

- (b) in good working order;
- (c) water tight and free from leaks;
- (d) free from accident hazards;
- (e) protected by painting or the applying of other equivalent preservative.

21.3 Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good state of **repair** and shall be:

- (a) free from loose bricks, mortar and loose or broken capping;
- (b) free from loose or rusted stanchions, guy wires, braces and attachments;
- (c) free from any accident hazard;
- (d) free from the entrance of smoke or gases into a **building** or **accessory building**;
- (e) free from the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- (f) weather tight and free from leaks;
- (g) free from unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

22.0 EXTERIOR MAINTENANCE

- 22.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.
- 22.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.
- 22.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **building** or **accessory building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:
- (a) making the **building** or **accessory building** safe;
  - (b) **repairing** of damaged surfaces exposed to view;
  - (c) cleaning any damaged surfaces exposed to view;
  - (d) refinishing so as to be in harmony with adjoining undamaged surfaces.
- 22.4 In the event the **building** or **accessory building** is beyond **repair**, the **property** shall be cleared of all remains and left in a graded level and tidy condition.

**23.0** VACANT PROPERTY AND VACANT BUILDINGS –  
ADDITIONAL STANDARDS

- 23.1 **Vacant property** shall be kept clear of all **waste** and other materials and equipment not otherwise permitted by the zoning by-law.
- 23.2 A **vacant building** shall:
- (a) be secured against unauthorized entry;
  - (b) be protected against the risk of fire, accident, or other danger.
- 23.3 Where a **vacant building** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **vacant building** poses a risk to safety may, in writing, require the **Owner** of a **vacant building** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:
- (a) install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
  - (b) do any work or **repairs** which, in the opinion of the **Property Standards Officer**, are necessary to secure a **vacant building** from unauthorized entry or protect a **vacant building** against the risk of fire, accident, or other danger.
- 23.4 Where a **vacant building** is boarded or required to be boarded:
- (a) boarding materials shall be installed and maintained in good order;
  - (b) boarding materials shall be installed to exclude precipitation and wind from entering the **vacant building**, and to secure the **vacant building** from

unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;

- (c) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;
- (d) boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes.

23.5 Where a **vacant building** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **vacant building** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **vacant building**, or unless such utilities are otherwise required by law to remain connected.

23.6 When openings in a **vacant building** previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the **Property Standards Officer** may require the use of materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.

23.7 Where a **vacant building** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an order to remove all previously installed boarding from windows and doors and to **repair** the **vacant building** in compliance with the standards set out in this By-law.

24.0 ADMINISTRATION AND ENFORCEMENT

- 24.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 24.2 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine,
- (a) whether the **property** conforms with the standards prescribed in this by-law;
  - (b) whether an order made under this by-law and the **Building Code Act** has been complied with.
- 24.3 Despite section 24.2, a **Property Standards Officer** shall not enter or remain in any room or place actually being used as a **dwelling** unless,
- (a) the consent of the **occupant** is obtained, the **occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the **Building Code Act**;
  - (b) a warrant issued under the **Building Code Act** is obtained;
  - (c) the delay necessary to obtain a warrant or the consent of the **occupant** would result in an immediate danger to the health or safety of any **person**;
  - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the **Building Code Act**; or
  - (e) the requirements of section 24.4 are met and the entry is necessary to remove an **unsafe condition** under clause 15.9 (6) (b) of the **Building Code Act** or

to **repair** or demolish under subsection 15.4(1) of the **Building Code Act**.

24.4 Within a reasonable time before entering the room or place for a purpose described in section 24.3 (e), the **Officer** shall serve the **occupant** with notice of his or her intention to enter it.

24.5 A **Property Standards Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the **Building Code Act**.

## 25.0 ORDERS AND COMPLIANCE

25.1 An **owner** of **property** shall comply with the standards and requirements prescribed in this By-law.

25.2 Every **Property Standards Officer** who finds that a **property** does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the **Building Code Act**:

(a) requiring the **property** that does not conform with the standards to be **repaired** and maintained to conform with the standards; or

(b) requiring that the site be cleared of all **buildings** or **accessory buildings, structures**, debris or refuse and left in a graded and leveled condition.

25.3 Every **owner** of **property** shall comply with an order made pursuant to this By-law and the **Building Code Act** requiring compliance as confirmed or modified. If an order of a **Property Standards Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** may cause the **property** to be **repaired** or demolished accordingly.



25.4 Where any **person** fails to comply with an order issued, the **Township** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

## 26.0 APPEAL OF ORDER

26.1 An **owner** who has been served with an order made under this By-law and **Building Code Act** and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order.

26.2 An order that is not appealed within the time referred to in Section 26.1 shall be deemed to be confirmed.

26.3 The **Committee** shall hear the appeal.

26.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

(a) Confirm, modify or rescind the order to demolish or **repair**;

(b) Extend the time for complying with the order.

26.5 The **Township** in which the **property** is situate or any **owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the

Clerk of the **Township** in writing and by applying to the court within 14 days after a copy of the decision is sent.

26.6 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **persons** upon whom the appointment is to be served.

26.7 On the appeal, the judge has the same powers and functions as the **Committee**.

26.8 An order that is deemed to be confirmed under section 26.2 or that is confirmed or modified by the **Committee** under section 26.3 or a judge under section 26.7, as the case may be, shall be final and binding upon the **owner** who shall carry out the **repair** or demolition within the time and in the manner specified in the order.

## **27.0** POWER OF TOWNSHIP TO REPAIR AND DEMOLISH

27.1 If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** in accordance with section 15.4 of the **Building Code Act** may cause the **property** to be **repaired** or demolished.

27.2 Where an order is not complied with and the **Township** has caused the property to be **repaired** or demolished, the **Township** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **property** for the amount spent on the **repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Township** and may be collected in the same manner as taxes on the **property**.

## **28.0** EMERGENCY ORDERS

28.1 If upon inspection of a **property** an **Property Standards Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **person**, the **Property Standards Officer** may make an order in accordance with section 15.7 of the **Building Code Act** containing particulars of the non-conformity and requiring remedial **repairs** or other work to be carried out immediately to terminate the danger.

## 29.0 CERTIFICATE OF COMPLIANCE

29.1 After inspecting a **property**, a **Property Standards Officer** who is of the opinion that the **property** is in compliance with the standards established in this By-law, may issue a certificate of compliance to the **owner**.

29.2 The prescribed fee set out in the **Township's Fees and Charges By-law** shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **owner**.

## 30.0 PENALTY

30.1 Every **owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this By-law is guilty of an offence under Section 36.(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.

## 31.0 PROPERTY STANDARDS COMMITTEE

31.1 A **Committee** is hereby established in accordance with the **Building Code Act**.

31.2 The **Committee** shall be composed of such persons, not fewer than three (3), as **Council** considers advisable.

31.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

**32.0 EXEMPTIONS**

32.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act*.

32.2 This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998 c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

**33.0 VALIDITY**

33.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

**READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.**

\_\_\_\_\_  
James Seeley, Mayor

\_\_\_\_\_  
Glenn Schwendinger, CAO/Clerk



TOWNSHIP OF  
**PUSLINCH**  
EST. 1850

**Policy No. 2021-002**

## **Corporate Policy**

**Department: Administration**

**Date: February 2021**

**Subject: BY-LAW ENFORCEMENT & COMPLAINT POLICY**

### **Section 1: Purpose**

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- 1.1** To provide a formal policy and procedure governing the handling of by-law Complaints by the Township of Puslinch and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof. This policy is intended to apply to both municipal by-laws and provincial statutes which the Municipality is responsible for enforcing.
- 1.2** The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance with municipal by-laws through education and enforcement.
- 1.3** The Municipality shall generally operate on a reactive Complaint based process in regards to municipal law enforcement with the exception of a violation that is an immediate threat to health or safety.

### **Section 2: Definitions**

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- 2.1 Administrator** means the Clerk of The Corporation of the Township of Puslinch or designate.
- 2.2 Complaint** means a Complaint received by the Township, wherein the complainant provides their full name, address, phone number and nature of Complaint that can be verified by the Municipal Law Enforcement Officer, in writing using the required form submitted to the Municipality.
- 2.3 Municipal Law Enforcement Officer** means a person appointed by the Municipality by-law for the purposes of municipal law enforcement including, but not limited to a Building Inspector, By-law Enforcement Officer, Property Standards Officer, Police Officer and a person authorized by Council or assigned individual with the responsibility for enforcing and administering this policy.
- 2.4 Municipality** means The Municipal Corporation of the Township of Puslinch.



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- 2.5 Township** means The Corporation of the Township of Puslinch.
- 2.6 Spite Complaint**, also known as a **Frivolous and Vexatious Complaint**, means a Complaint submitted with ill will or with intention of malice towards another person and may include retaliatory Complaints and civil disputes. A Spite Complaint may also be defined as a Complaint that is part of a pattern of conduct by the complainant that amounts to an abuse of the Complaint process. Such a pattern occurs when on three (3) or more occasions a Complaint comes forward on a matter a Municipal Law Enforcement Officer has already dealt with. After discussing it with the Administrator, the determination of a Complaint being a Spite Complaint shall be at the discretion of a Municipal Law Enforcement Officer.

### Section 3: By-law Investigation and Enforcement Procedure

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- 3.1** The Municipality shall only respond to Complaints received from a complainant who provides their full name, telephone number, address and nature of the Complaint in writing. Anonymous and/or incomplete Complaints shall not be investigated.
- A Municipal Law Enforcement Officer may undertake an investigation on their own initiative upon observation of a possible situation of a by-law violation where the matter is of an immediate threat to health or safety.
  - Municipal staff may assist the public by providing by-law information, but will not provide opinions regarding the appropriateness of any proposed activity.
- 3.2** The Municipality shall only respond to Complaints received from a complainant who resides, owns land, or operates a business within the geographic limits of the Township unless the nature of such complaint poses an immediate threat to health or safety.
- 3.3** The name and any personal information provided by the complainant shall remain in the strictest confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a court or other tribunal or body of competent jurisdiction.
- 3.4** A Municipal Law Enforcement Officer may conduct a preliminary review of the Complaint to verify the information provided and research any supporting documentation which may be available in municipal records.
- 3.5** A Municipal Law Enforcement Officer may record all information pertaining to the receipt and investigation of a Complaint in a Municipally approved tracking system.



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- 3.6** A Municipal Law Enforcement Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal Complaint.
- 3.7** A Municipal Law Enforcement Officer may attend the site to investigate the activity to determine if a municipal by-law contravention exists.
- 3.8** If a Municipal Law Enforcement Officer is unclear of a possible contravention, they may seek the advice of the municipal prosecutor or municipal solicitor if required, or the appropriate municipal staff member.
- a) A Municipal Law Enforcement Officer may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
- 3.9** Where a violation of a municipal by-law is determined by a Municipal Law Enforcement Officer, excluding set fine situations or documented, chronic violations or where otherwise warranted, a Municipal Law Enforcement Officer may provide an initial warning to the person by any of the following four (4) methods:
- a) In person;  
b) By telephone;  
c) Email; or  
d) In writing.
- 3.10** Notwithstanding section 3.7 of this policy; in situations wherein set fines have been established for violations of a municipal by-law, a Municipal Law Enforcement Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
- 3.11** Notwithstanding section 3.7 or 3.8 of this policy; where provided for by municipal by-law or otherwise a Municipal Law Enforcement Officer may issue an emergency order to remedy a violation in lieu of an initial warning when such a violation poses an immediate threat to health or safety.
- 3.12** When compliance with the warning and/or order is confirmed, a Municipal Law Enforcement Officer shall enter the Complaint finalized date in the By-law matters database and close the file.
- 3.13** If the warning and/or order has not been complied with within the specified time, a municipal law enforcement officer may review the non-compliance with the Administrator.



## **Corporate Policy**

- 3.14** Following discussions with the Administrator pursuant to section 3.11 of this policy, a Municipal Law Enforcement Officer shall determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by-laws or otherwise.
- a) If a second written warning or formal order is issued, a Municipal Law Enforcement Officer shall determine a final time period to achieve compliance.
  - b) If legal action is required, a Municipal Law Enforcement Officer shall recommend to the Administrator to proceed with legal action when it appears obvious compliance is not forthcoming.
  - c) Notwithstanding Section 3.3 and Section 4.2, at any stage of the enforcement process, if, in the opinion of the Administrator the matter is of significant consequence, the matter may be brought before Council for direction.
- 3.15** Spite Complaints shall not be investigated by a Municipal Law Enforcement Officer.
- 3.16** Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law, provincial or federal legislation.
- 3.17** Any decision made under this policy, including a decision not to respond to a Complaint or enforce a by-law or a decision by the Administrator, may at any time be revisited.
- 3.18** In addition to municipal law enforcement options by the Municipality, persons also have independent legal rights, which may be explored and pursued by said persons.
- 3.19** The Ontario Provincial Police are responsible for emergency situations and should be contacted to deal with issues, including but not limited to loitering, trespassing, noise-related neighbour or domestic disputes, possible drug activity, vandalism or other possible criminal activity.

## **Section 4: Level of Involvement**

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- 4.1** Municipal Law Enforcement Officers have, in the absence of Council direction to the contrary, discretion to determine the appropriate response to a Complaint. This may include decisions to act on some, all or none of the Complaint and assign priority between Complaints. This discretion is to be exercised on the basis of the following criteria:
- a) Safety factors;





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- b) History of attempts for compliance made by a Municipal Law Enforcement Officer;
  - c) Available resources, including financial resources;
  - d) Potential impact of not responding;
  - e) Offer for formal mediation;
  - f) Coordinating involvement with other relevant agencies;
  - g) Likelihood of achieving compliance;
  - h) Municipal jurisdiction and authority;
  - i) Other enforcement avenues including civil processes.
- 4.2** Complainants and persons who are subject of a Complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant will be kept completely confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a court or other tribunal body of competent jurisdiction.
- 4.3** Pursuant to section 4.2 of this policy; once a Complaint has been filed, other than acknowledgement of receipt of the Complaint, no follow up, involvement, information or correspondence regarding the Complaint shall be provided to the complainant as the process is protected by *the Municipal Freedom of Information and Protection of Privacy Act*.

### Section 5: Application

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- 5.1** This policy shall come into full force and effect on the day it is adopted by the Council of The Municipal Corporation of the Township of Puslinch.



## **REPORT HER-2022-006**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Heritage Plaque Update

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-006 regarding the Heritage Plaque Update be received; and,**

**That the Heritage Committee Secretary communicate to Barb Jefferson when the plaques are ready for pick up.**

### **Purpose**

The purpose of this report is to provide the Heritage Committee with an update from the resolution passed regarding the Heritage Plaque Program and Next Steps at the January 10, 2022 Meeting.

### **Background**

At the January 10, 2022 Heritage Committee meeting, the following resolution was passed regarding the Heritage Plaques

**Resolution No. 2022-010:**

Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the verbal report regarding the status of the Heritage Plaque program be received for information and;**

**That the secretary communicates with Barb regarding the status of the plaques.**

**CARRIED**

The Heritage Committee Secretary had reached out to Standard Brass, the company manufacturing the plaques. Due to delays, the plaques have not been received as of yet. The last update received from the company was in March. At this time, the plaques have been cast and need a few weeks before they can be polished. The company expects that they plaques will be ready for pick up sometime in April, 2022.

**Financial Implications**

None

**Attachments**

None



## **REPORT HER-2022-007**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Heritage Register Update

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-007 regarding the Heritage Register Update be received; and**

**That the Heritage Committee select a member to draft an article about the Heritage Register to send to the Committee Secretary to submit to Community Heritage Ontario; and**

**That the Heritage Committee review the form on the website that enables residents to propose to have their properties listed on the Heritage Register; and**

**That the Heritage Committee provide comments regarding the objection letter received for 4227 Wellington Road 35; and,**

**That the Committee Secretary provide these comments to Council for their review at the April 13, 2022 Council Meeting.**

### **Purpose**

The purpose of this report is to provide the Heritage Committee with an update from the resolution passed regarding the Heritage Register at the January 10, 2022 Meeting. This report will also provide the Heritage Committee with an objection received regarding a listed property on the Heritage Register.

### **Background**

At the January 10, 2022 Heritage Committee meeting, the following resolution was passed regarding the Heritage Register:

## 10.1 Report HER-2022-001 – Heritage Register

**Resolution No. 2021-002:**

Moved by Barb Jefferson and  
Seconded by Mary Tivy

**That the report HER-2022-001 – Heritage Register be received for information and for staff to reach out to Community Heritage Ontario to determine when articles are due for submission to include an article for submission regarding the Puslinch Heritage Register; and,**

**For staff to include a form on the website for residents to reach out with information about their homes for possible inclusion on the Heritage Register.**

**Community Heritage Ontario Publications:**

Community Heritage Ontario publishes a newsletter four times a year. Upcoming deadline submissions for articles are June 10, 2022 and October 10, 2022. However, the articles can be submitted at any time as they like to have a bank of stories to choose from for the newsletters.

A Heritage Committee member that wishes to write an article about the Heritage Register can advise the Committee Secretary. The Committee Secretary will then submit the article to Community Heritage Ontario on behalf of the Heritage Committee.

**Proposed Property Addition to the Heritage Register Form on Township's Website:**

Staff have included a form on the website for the public to fill out if they believe their property should be listed on the Heritage Register.

This form is found in two locations on the website: under the section about the Heritage Register on the Heritage page and on the forms and payments page.

The Heritage Committee can review this form here: <https://puslinch.ca/forms/municipal-heritage-register/>

Staff welcome any feedback the Committee may have on proposed changes to the form.

**Objection to the Inclusion of Property 4227 Wellington Road 35 on the Heritage Register:**

The property owner at 4227 Wellington Rd 35 contacted the Township expressing they no longer wish to have a listed property on the Heritage Register. The letter is attached to this report as Schedule A. This objection will also be circulated to the April 13, 2022 Council meeting after the Heritage Committee has reviewed and commented on this objection at this meeting.

**Financial Implications**

None

**Attachments**

**Schedule A – Objection Letter to Inclusion on the Heritage Register**

We are submitting our objection to the proposal to list the Richard Paddock property, 4232 County Rd 35 Puslinch, on the heritage registry. Currently located on the property is an 1882 stone farmhouse and barn.

The wood sided and stone foundation barn, built and designed in the 1880's, catered to the farm's agricultural pursuits and nature. Unfortunately the barn is no longer used for agricultural purposes and is not conducive to modern farm practices and as such no longer serves a justifiable purpose. The result is a very large structure which requires ongoing maintenance at an extremely significant cost. If not maintained the structural integrity could be compromised creating safety and liability issues. Unfortunately due to the size, materials etc. the issue presents exorbitant costs which become onerous to the property owners.

We concur with the idea of "protect and preserve for generations" but feel this could be achieved, with this property, through other viable options such as - 1. symbolic conservation where the unique features of the building could be incorporated into a new build. And 2. A record for posterity with photo documentation of the barn and house. The historical interest of the property stems from the pioneering settlement of the Paddock family in the Puslinch area, specifically Paddock Corners - rather than the architectural features of the buildings. The family history is well documented in the historical archives and in various books, photographs and articles of a historical nature surrounding the settlement of Puslinch Township. The family history is also recognized yearly in a well attended Richard Paddock family reunion.

In summary - I am submitting our objection to the inclusion of the Richard Paddock property to the Puslinch Municipal Register of Heritage Properties.

Sincerely,

The Stewart Paddock Family



## **REPORT HER-2022-008**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Community Heritage Ontario Award Nomination

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-008 regarding the Community Heritage Award Nomination be received; and,**

**That the Committee Secretary update the Heritage Committee with the results of the awards at the next Heritage Committee Meeting on July 4, 2022.**

### **Purpose**

The purpose of this report is to provide the Heritage Committee with an update regarding the award nomination submitted to Community Heritage Ontario.

### **Background**

On January 11, 2022 Barb Jefferson reached out to the Heritage Committee Secretary to nominate a member of the Puslinch Heritage Committee for the Service to a Municipal Heritage Committee Award awarded by Community Heritage Ontario. A nomination package was submitted to Community Heritage Ontario. The deadline for award nominations was on March 18, 2022.

The Heritage Committee would like to commend Mary for all of her decades of hard work, dedication and passion of community heritage involvement in Puslinch, Guelph and beyond.

### **Financial Implications**

None

### **Attachments**

None





## **REPORT HER-2022-009**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Potential Heritage Student Update

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-009 regarding the potential heritage student update be received.**

#### **Purpose**

The purpose of this report is to provide the Heritage Committee with an update regarding the potential for a heritage summer student.

#### **Background**

The Township submitted an application with Young Canada Works to apply for grant funding for a heritage summer student.

The Township will be informed in May, whether the funding request was approved. The hiring of a heritage summer student is conditional upon whether or not the Township receives the grant funding.

Should the Township get an opportunity to have a heritage summer student, the student will need to be provided with work tasks related to the field of heritage.

Some of the proposed work tasks include updating the heritage pictorial inventory of plaqued properties, creating a heritage tour of properties listed on the Register on Engage Puslinch and organizing heritage files at the Township.

**Financial Implications**

As noted above, funding is dependent on if the grant application submitted to Young Canada Works is successful.

**Attachments**

None



## **REPORT HER-2022-010**

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TO: Heritage Committee

FROM: Hillary Miller, Legislative Assistant

MEETING DATE: Monday April 4, 2022

SUBJECT: Regeneration Works – Potential Funding Opportunities

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### **RECOMMENDATIONS**

**That Staff Report HER-2022-010 regarding the Regeneration Works – Potential Funding Opportunities be received; and,**

**That the Committee and Committee Secretary continue to seek potential funding opportunities for Heritage Initiatives.**

### **Purpose**

The purpose of this report is to provide the Heritage Committee with a resource to look for funding opportunities

### **Background**

Regeneration Works (part of National Trust Canada) has a website dedicated to listing funding opportunities for heritage projects: <https://regenerationworks.ca/resources/find-funding/>

There are no current funding opportunities listed on the website but more may be added in the future. This website will be periodically checked to determine if there are any funding opportunities that could be used for initiatives of the Heritage Committee.

### **Financial Implications**

N/A

### **Attachments**

None

## **COMMITTEE MEMO**

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TO: Heritage Committee

FROM: Mary Tivy

MEETING DATE: Monday April 4, 2022

SUBJECT: Proposed Municipal Heritage Register Additions

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### **RECOMMENDATIONS**

**That the Heritage Register Sub-Committee continue to research barns and other outbuildings for possible inclusion on the Heritage Register; and,**

**That the sub-committee provide a list to the Heritage Committee Secretary to bring to the whole Heritage Committee at another meeting for review and approval by the Committee.**

### **Purpose**

To research and add to the existing Municipal Heritage Register, agricultural barns and structures, especially those already plaqued.

### **Background**

Windshield surveys were done to assess plaqued properties for inclusion on the register. Barns and other outbuildings were not fully visible and as a result are not included on the register.

### **Comments**

Pandemic restrictions further limited access to these properties. As restrictions are reduced, these structures should be assessed with site visits.

### **Financial Implications**

N/A

### **Attachments**

None

## **COMMITTEE MEMO**

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TO: Heritage Committee

FROM: Mary Tivy

MEETING DATE: Monday April 4, 2022

SUBJECT: Heritage Landscapes to Add to the Municipal Heritage Register

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### **RECOMMENDATIONS**

**That the Heritage Committee assess the list of proposed landscapes to be added to the Municipal Heritage Register.**

#### **Purpose**

Heritage landscapes should be considered to be added to the Municipal Heritage Register, under the *Ontario Heritage Act*.

#### **Background**

Several potential heritage landscapes have been identified by individual committee members. These include the following landscapes:

- Starkey's Hill
- Arkell United Church Cemetery
- Crieff Knox Presbyterian Cemetery
- Crown Cemetery
- Ellis Chapel Cemetery
- Farnham Cemetery
- Howitt Memorial Cemetery
- Killean Cemetery
- Marian Roman Catholic Cemetery
- Sunset Mindepark Cemetery

#### **Comments**

These landscapes should be brought to the Heritage Committee for assessment and recommendation for inclusion on the Municipal Heritage Register.

**Financial Implications**

None

**Attachments**

None