

Item	Heritage Oshawa Proposal	Staff Response
5	<p>Section 3: "Owner Responsibility" of the Property Standards By-law 1-2002 is amended by adding:</p> <p>3.1.1 (i) heritage attributes</p>	<p>Proposal will be included in the draft amending by-law.</p>
6	<p>NEW Section 9: Heritage Property Standards is added to the Property Standards By-law 1-2002</p> <p>Minimum standards:</p> <p>In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in Section 6, the owner or occupant of a "Class A" or "Class B" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV Heritage Property, a Part V Heritage Property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest shall:</p> <p>A. Maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.</p> <p>B. Maintain the property in a manner that will ensure the protection and preservation of the heritage values and attributes.</p> <p>C. Maintain all aspects of a property, whether heritage attributes or not, to ensure the structural and functional integrity and preservation of the property as a whole.</p>	<p>Proposal will be included in the draft amending by-law with exceptions:</p> <ol style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed general maintenance standards will be included in the draft amending by-law.

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7	<p>Repair of heritage attributes:</p> <p>Despite any other provision of this chapter, where a heritage attribute of a “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest can be repaired, the heritage attribute shall not be replaced and shall be repaired:</p> <ul style="list-style-type: none"> (1) In a manner that minimizes damage to the heritage values and attributes; (2) In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute; (3) Using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and (4) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material. 	<p>Proposal will be included in the draft amending by-law with exceptions:</p> <ul style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed repair standards will be included in the draft amending by-law.

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8	<p>Replacement of heritage attributes:</p> <p>Despite any other provision of this chapter, where a heritage attribute of a “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest cannot be repaired, the heritage attribute shall be replaced:</p> <p>(1) Using the same types of material as the original;</p> <p>(2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material, and in such a manner as to replicate the appearance of the heritage attribute.</p>	<p>Proposal will be included in the draft amending by-law with exceptions:</p> <ol style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed replacement standards will be included in the draft amending by-law.

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9	<p>Clearing and levelling of heritage properties:</p> <p>Despite any other provision of this chapter, or the Building Code Act, 1992, no building or structure on a “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest may be altered or cleared, including but not limited to removed, demolished, or relocated, except in accordance with the Ontario Heritage Act.</p>	<p>Proposal will be included in the draft amending by-law with exceptions:</p> <ol style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed standards will be included in the draft amending by-law.
10	<p>Preservation of properties with heritage attributes:</p> <p>A “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest shall be maintained to ensure its structural integrity and preservation, whether directly related to maintaining heritage attributes or not, to ensure an intact and secure foundation, walls, roof, windows, chimneys, drainage, HVAC, plumbing, electrical, smoke detectors, and other systems as necessary to create and maintain the structure for the foreseeable future. At minimum, owners should make monthly inspection visits to the property to ensure upkeep and maintenance.</p>	<p>Staff Response:</p> <ol style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed standards related to maintenance, repair and replacement will be included in the draft amending by-law. 3. Requiring owners to undertake a schedule of inspections is beyond the authority of property standards by-laws.

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11	<p>Vacant and damaged designated heritage properties:</p> <p>A. Where a “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes caused by environmental conditions, especially water damage.</p> <p>B. The owner of a vacant “Class A” or “Class B” property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, a Listed, Non-Designated Property, a Part IV heritage property, a Part V heritage property, or a property subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons</p>	<p>Proposal will be included in the draft amending by-law with exceptions:</p> <ol style="list-style-type: none"> 1. As noted, standards can only apply to Part IV and Part V heritage properties. 2. A variation of the proposed standards related to vacant buildings will be included in the draft amending by-law. 3. Though a two (2) year timeline is given to vacant buildings under the non-heritage property standards section of the Property Standards By-law, owners are given two (2) options for compliance (undertaking remedial work required, or demolishing the building). Given the importance of heritage properties and the desire to avoid demolition, no maximum timeline for remaining vacant is being proposed in the amending by-law in relation to heritage properties. Moreover, in accordance with the Ontario Heritage Act, owners of designated properties must seek approval of Council, in consultation with Heritage Oshawa, to demolish a designated structure.

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12	<p>Demolition of a Heritage Property:</p> <p>Notwithstanding any other provision in this by-law, this by-law does not authorize any demolition or removal at a protected heritage property that is likely to affect the heritage attributes of the property unless the demolition or removal has received Council consent under Section 34 of the Ontario Heritage Act.</p>	<p>Proposal will be included in the draft amending by-law:</p> <ol style="list-style-type: none"> 1. A variation of the proposed standards will be included in the draft amending by-law.
13	<p>Conflict:</p> <p>If there is a conflict between this section and any other provision in this chapter or any other City by-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.</p>	<p>Proposal will be included in the draft amending by-law:</p> <ol style="list-style-type: none"> 1. A variation of the proposed standards will be included in the draft amending by-law.