

THE CITY OF WINNIPEG

BY-LAW NO. 3284/82

A By-law of The City of Winnipeg
to amend By-Law No. 1474/77.

THE CITY OF WINNIPEG, in Council assembled, enacts
as follows:

By-law No. 1474/77 of The City of Winnipeg is hereby
amended as follows:

1. The descriptive title and following recitals thereof
are deleted and the following substituted:

"A By-law of The City of Winnipeg to provide
for a Buildings Conservation List and the
listing thereon of buildings, erections or
structures deemed to be of special architec-
tural or historical interest, to prohibit or
regulate their alteration, repair, demolition
or removal and to regulate and prohibit the
issuance of demolition permits.

WHEREAS subsections (c), (d), (e) and (f) of Section
483 of The City of Winnipeg Act provide that:

"483 The council may pass by-laws having force within
the city and the additional zone,

- (c) providing for a buildings' conservation list
and the listing thereon of buildings, erec-
tions or structures deemed to be of special
architectural or historical interest, and
the removal of buildings, erections or
structures from the buildings' conservation
list;
- (d) providing for the criteria to assist in deter-
mining which buildings, erections or structures
should be listed on the buildings' conservation
list;
- (e) prohibiting the alteration, repair, demolition,
removal or occupancy of any building, erection
or structure listed on the buildings' conserva-
tion list established by by-law of the council;
- (f) providing for the issuance and cancellation
of permits for the alteration, repair, demo-
lition, removal and occupancy of all or any
part of any building, erection or structure
listed on the buildings' conservation list
and to provide for the issuance of those
permits with or without conditions."

AND WHEREAS Section 638.1 of The City of Winnipeg
Act provides that:

"638.1 Notwithstanding any other provisions of this
Act, the city may pass by-laws in respect of buildings
located within the city, or within districts of the
city described in the by-laws, for the purpose of

- (a) regulating the issuance of demolition permits; or
- (b) prohibiting the issuance of demolition permits; or
- (c) providing for issuance of demolition permits subject to conditions prescribed by council or a designated committee of council;

or for any one or more of those purposes."

2. Section 1 of said By-law is re-numbered Section 3, the existing Section 3 is repealed and that By-law is further amended by adding the following new Sections A1. and 1.:

"A1. This By-law may be cited as: The Historical Buildings By-law."

"DEFINITIONS

- 1. (a) "BUILDINGS CONSERVATION LIST" means the list of buildings, erections and structures referred to in subsection 2(1) of this By-law.
- (b) "COMMISSIONER" means the Commissioner of Environment of The City of Winnipeg.
- (c) "CERTIFICATE OF SUITABILITY" means a permit described in subsections 10(1) and 10(2) of this By-law.
- (d) "CERTIFICATE OF ORDINARY MAINTENANCE" means a permit described in subsection 10(3) of this By-law.
- (e) "COMMUNITY COMMITTEE" means a community committee established under Part I of The City of Winnipeg Act.
- (f) "COUNCIL" means the Council of The City of Winnipeg.
- (g) "DESIGNATED COMMITTEE" means the Standing Committee of Council to which the Council delegates the responsibility of reporting on matters concerning Part XX of The City of Winnipeg Act.
- (h) "HISTORICAL BUILDINGS COMMITTEE" means the Committee referred to in Section 3 of this By-law.
- (i) "INVENTORY OF BUILDINGS" or "INVENTORY" means the inventory of buildings, erections and structures referred to in subsection 2(2) of this By-law.
- (j) "OWNER" means the registered owner, under The Real Property Act, of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner."

3. Schedule I to this By-law entitled "The Buildings Conservation List" consolidating the list of buildings, erections and structures listed under said By-law 1474/77 is hereby attached to that by-law as the consolidated Schedule "A" to that By-law 1474/77.

4. Section 2 of said By-law is repealed and the following Section 2 substituted:

"BUILDINGS CONSERVATION LIST AND INVENTORY"

- 2(1) Schedule "A" to this By-law is the Buildings Conservation List, on which buildings, erections and structures deemed to be of special architectural or historical interest may be listed, in the manner hereinafter provided, under one of Grades I, II or III.
- (2) The City Clerk shall maintain a list of buildings, erections and structures entitled "Inventory of Buildings", on which buildings, erections and structures may be entered from time to time by a resolution of the Historical Buildings Committee, for study and recommendation for listing on the Buildings Conservation List.
- (3) Upon receipt of a direction by a resolution of the Historical Buildings Committee the City Clerk shall enter the description of the building, erection or structure described in that resolution on the Inventory and the date of that entry, or if so directed by a resolution of that Committee shall delete an entry from the Inventory."

5. Section 3 of said By-law (formerly Section 1 thereof as referred to in Section 2 of this By-law) is amended as follows:

- (a) The first eight lines of Section 3(1) are deleted and the following substituted:

"There is hereby established an advisory committee to be known as the 'Historical Buildings Committee' consisting of seven members nominated from the following associations and governments and appointed by Council and who shall remain members until they resign or are removed by Council:"

- (b) Section 3(1)(d) is deleted and the following substituted:

"(d) Two members from the Council, one of whom shall be a member of the Designated Committee."

- (c) Section 3(2)(b) is deleted and the following substituted:

"(b) The Historical Buildings Committee shall establish its own rules and procedures for the conduct of its meetings."

- (d) Section 3(2) is amended by adding a new Section 3(2)(c) as follows:

"(c) In the event one or more members of the Historical Buildings Committee resigns or is removed, the remaining members shall function as the Historical Buildings Committee until a new member or members are appointed and

during any period when there are no councillor-members any other member may be chosen by the Historical Buildings Committee to serve as chairman."

6. Section 4 of said By-law is repealed and the following section substituted:

"GRADES

4. There are hereby established the following three grades under which buildings, erections or structures deemed to be of special architectural or historical interest may be listed on the Buildings Conservation List:

(a) Grade I; the objectives of which are:

- (i) to preserve the entire exterior and interior of the building, erection or structure, and
- (ii) to ensure that all repairs thereof are appropriate to their special architectural or historical interest.

(b) Grade II; the objectives of which are:

- (i) to preserve the entire exterior of the building, erection or structure and such of its interior elements as are specified in the listing, and
- (ii) to ensure that all repairs thereof are appropriate to their special architectural or historical interest, and
- (iii) to prevent or regulate demolition, removal, alteration or repair of the remainder of such interior in the manner described in subsection 4(c).

(c) Grade III; the objectives of which are:

- (i) to prevent demolition, removal, alteration or repair of the building, erection or structure unless and until it is shown to the satisfaction of the Designated Committee to be necessary, and
- (ii) to regulate any necessary demolition, removal, alteration or repair of the building, erection or structure so as to preserve the special architectural or historical interest as far as possible, and
- (iii) to record, or preserve where possible, components deemed to have special architectural or historical interest prior to, or in the course of, any necessary demolition, removal, alteration or repair."

7. Section 5 of said By-law is repealed and the following section substituted:

"CRITERIA FOR LISTING

5. In deciding whether or not a building, erection or structure is deemed to be of special architectural or historical interest the Council, the Designated Committee or the Commissioner, as the

case may be, shall consider whether or not in its or his/her opinion such building, erection or structure has special architectural or historical interest; which special interest may include any one or more of:

- (a) significance in illustrating or interpreting history in the City,
- (b) association with important historic person-ages or events,
- (c) illustration of the architectural history of the City, and
- (d) distinguishing architectural characteristics of a style or method of construction."

8. Section 6 of said By-law is repealed and the following sections substituted:

A6. LISTING - ECONOMIC VIABILITY

In considering a proposed listing, de-listing or change of grade of any building, erection or structure, consideration may be given by the Designated Committee and the Council, to the economic viability of the building, erection or structure if the necessary information is supplied by the owner.

"LISTING BY THE COUNCIL

- 6.(1) A building, erection or structure may be listed on the Buildings Conservation List within a grade by a resolution of Council.
- (2)(a) Prior to any such listing a report and recommendation on the proposed listing shall be filed with the City Clerk by the Historical Buildings Committee, or by the Commissioner, and the City Clerk shall notify the owner, the Historical Buildings Committee and the Commissioner of the date, time and place of a hearing to be held by the Designated Committee to hear representations from the owner for or against the proposed listing.
- (b) In the case of a proposed Grade III listing that report and recommendation shall also be filed with the relevant community committee and its recommendation or comment forwarded to the City Clerk before he or she gives the required notices of the hearing, including notice to that community committee.
- (3) Upon conclusion of the hearing, subject to subsection 7(1), the City Clerk shall forward to the Council, the Historical Buildings Committee and the owner the recommendation of the Designated Committee on the proposed listing, which recommendation may recommend listing under any grade referred to in the notice to the owner or agreed to by the owner.

- (4) The City Clerk also shall forward to the owner and the Historical Buildings Committee notice of the date, time and place at which the Council will hear representations from the owner in support of or against that recommendation and after hearing those representations the Council may by resolution list the building, erection or structure under any grade referred to in the notice to the owner or agreed to by the owner.
- (5) Upon the passing of such resolution the City Clerk shall endorse on the Buildings Conservation List the description, address and listed grade of such building, erection or structure, and the date of listing.

9. Section 7 of said By-law is repealed and the following section substituted:

"LISTING BY THE DESIGNATED COMMITTEE

- 7.(1) If the owner does not appear at the hearing before the Designated Committee and object to the proposed listing or file a written objection thereto, or if the owner is The City of Winnipeg, the Designated Committee may by resolution reject the proposed listing or list the building, erection or structure under any grade referred to in the notice to the owner or agreed to by the owner, or decided on by that Committee where the City is the owner, and subsection 6(5) shall apply to that resolution.

WHO SHALL/MAY BE HEARD AT HEARINGS

- (2) At the hearings before the Designated Committee and the Council under Section 6, 8 or 9 in addition to hearing the owner, that Committee and the Council shall hear any representations from the Historical Buildings Committee, the Commissioner and the relevant community committee, and may hear representations from any other person wishing to be heard concerning a proposed listing, removal from the list, or change of grade."

10. Section 8 of said By-law is repealed and the following section substituted:

"LISTING BY THE COMMISSIONER

8. (1) Where in the opinion of the Commissioner a building, erection or structure on the Inventory might be removed, or might be altered or repaired so as to adversely affect its special architectural or historic interest, it may be listed within a grade on the Buildings Conservation List by the Commissioner or his delegate by a written Certificate to that effect filed with the City Clerk.
- (2) Upon receipt of that Certificate the City Clerk shall:
 - (a) endorse on the Buildings Conservation List the description, address and listed grade of such building, erection or structure and the date of its listing, and

- (b) forward to the owner the Historical Buildings Committee, and in case of a Grade III listing, to the relevant Community Committee, notice of the date, time and place of a hearing to be held by the Designated Committee to hear representations from the owner for or against continuation of that listing.
- (3) Upon conclusion of that hearing the City Clerk shall:
 - (a) forward to the Council, the Historical Buildings Committee and to the owner the recommendation of the Designated Committee regarding continuation of that listing or a listing under any different grade referred to in the notice to the owner or agreed to by the owner, and
 - (b) forward to the owner and to the Historical Buildings Committee notice of the date, time and place at which the Council will hear representations from the owner in support of or against that recommendation.
- (4) After hearing those representations the Council may by resolution cancel the listing or confirm the listing, or confirm but change the grade of listing to any grade referred to in the notice to the owner or agreed to by the owner."

11. Section 9 of said By-law is repealed and the following section substituted:

"DE-LISTING OR CHANGE OF GRADE

- 9. (1) An owner or the Commissioner may submit to the City Clerk a written application to have a building, erection or structure removed from the Buildings Conservation List or listed under a different grade.
- (2) Upon receipt thereof the City Clerk shall notify the owner, the Historical Buildings Committee and the Commissioner, of the date, time and place of a hearing to be held by the Designated Committee to hear representations from the owner for or against the application.
- (3) Upon conclusion of the hearing the City Clerk shall forward the recommendation of the Designated Committee to the Council and to the owner; provided that if there is no recommendation from the Historical Buildings Committee or the Commissioner against removal from the list or against a change to a different grade, the Designated Committee may by resolution remove the building, erection or structure from the list or list it under any different grade referred to in the notice to the owner or agreed to by the owner.
- (4) Unless the application has been disposed of by a resolution under subsection (3), the City Clerk shall forward to the owner and the Historical Buildings Committee notice of the date, time and place at which the Council will hear representations from the owner for or against the application.

- (5) After hearing those representations the Council may by resolution remove the building, erection or structure from the list or list it under any different grade referred to in the notice to the owner or agreed to by the owner.
- (6) Upon the passing of a resolution under subsection 9(3) or subsection 9(5), the City Clerk shall amend the Buildings Conservation List accordingly."

12. Section 10 of said By-law is hereby repealed and the following section substituted:

"PROHIBITION AND REGULATION OF ALTERATION
REPAIR, DEMOLITION AND REMOVAL

PERMITS:

Certificate of Suitability

10. (1) Subject to subsection 10(3) no listed building, erection or structure shall be altered, repaired, demolished or renewed whether or not a building permit is required, without prior issuance of, and in accordance with a Certificate of Suitability issued under section 11 of this By-law,
- (2) Any conditions, plans or specifications set out in a Certificate of Suitability or incorporated into it by a reference in the Certificate, shall form part of that Certificate.

Certificate of Ordinary Maintenance

- (3) A Certificate of Suitability is not required for ordinary maintenance or repair of a listed building, erection or structure certified by the Commissioner or his delegate, by a Certificate of Ordinary Maintenance, not to involve a change in any element of design which affects its appearance or its special architectural or historic interest, but no such certificate shall be issued for any work described in subsection 10(4).

Sandblasting, etc., Prohibited

- (4) Subject to subsection 10(5) no masonry or wood surface of any building, erection or structure listed on the Buildings Conservation List shall be cleaned or treated by sandblasting or any similar process involving abrasives applied under pressure and no Certificate of Suitability shall be issued for such work.
- (5) If it is established to the satisfaction of the Designated Committee that such masonry or wood surface can be so cleaned or treated without damage to it, that Committee may authorize issuance of a Certificate of Suitability for that work.

Buildings on Inventory - No Demolition Permit

- (6) Subject to subsection 10(7), no permit shall be issued for the demolition of any building, erection or structure listed on the Inventory on the date of application for that permit, until after a hearing and a decision not to list it under Section 6, or until after such listing and in accordance with a Certificate of Suitability.
- (7) The Commissioner of Environment or his delegate may authorize issuance of a demolition permit referred to in subsection 10(6) if that Commissioner or his delegate is satisfied that consideration of a listing under Section 6 is not necessary, but subject to the prior recording of the building, erection or structure by photographs or other means, if required by that Commissioner or his delegate."

13. Section 11 of said By-law is repealed and the following section substituted:

"APPLICATION FOR CERTIFICATE OF
SUITABILITY

Grade I or II Building

- 11.(1) On application by an owner, and after considering a recommendation by the Historical Buildings Committee, if the Designated Committee is satisfied that, in its opinion, the relevant objectives set out in Section 4 will be maintained, it may direct the Commissioner or his delegate to issue a Certificate of Suitability for:
 - (i) the repair of all or any part of a Grade I or Grade II building, erection or structure listed on the Buildings Conservation List, including any alterations reasonably required for such repair, or
 - (ii) the alteration, demolition or removal of any interior elements of a Grade II building, erection or structure not specified in the listing of the building.

Grade III Building

- (2) On application by an owner and after considering a recommendation by the Historical Buildings Committee, if the Designated Committee is satisfied that, in its opinion, the relevant objectives set out in Section 4 will be maintained, it may direct the Commissioner or his delegate to issue a Certificate of Suitability for the alteration, repair, demolition or removal of all or any part of a Grade III building, erection or structure listed on the Buildings Conservation List.
- (3) The Designated Committee shall not refuse to issue a Certificate of Suitability as applied for without first giving the applicant an opportunity to make representations to that Committee.

- (4) Where the Historical Buildings Committee recommends against an application it shall provide the applicant with written reasons prior to consideration of the application by the Designated Committee.

Historic Winnipeg Restoration Area

- (5) Where a Certificate of Suitability is applied for in respect of or including the exterior of a building within the Historic Winnipeg Restoration Area a recommendation from the Historic Winnipeg Advisory Committee established under Chapter 21A of Zoning By-law No. 16502 shall be required in respect of that exterior instead of from the Historical Buildings Committee.

14. Sections 12, 13, 14 and 15 of said By-law are repealed and the following sections substituted:

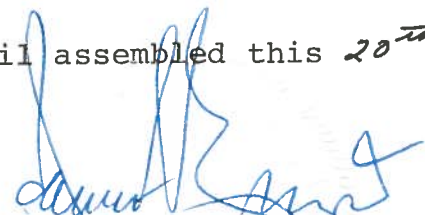
"PENALTIES

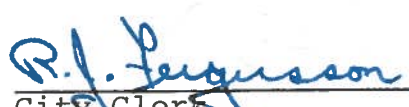
12. Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law is guilty of an offence and liable on summary conviction, to the penalties provided in Section 138 of The City of Winnipeg Act.

ADMINISTRATION

13. The administration of this By-law shall be the responsibility of the Commissioner of Environment."

DONE AND PASSED in Council assembled this 20th day
of *October* A.D. 1982.


Deputy Mayor


City Clerk

Certified as to form:


City Solicitor