

BY-LAW NO. 2032/78

A By-law amending By-law No. 1474/77,
being a By-law for the conservation and
preservation of buildings of an architectu-
ral or historical interest in the City of
Winnipeg.

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

1. By-law No. 1474/77 is amended by adding thereto
immediately after Section 2 thereof the following:

"3. DEFINITION

In this By-law

- (a) "alter" shall include any installation after change in surface materials, textures, colour, light fixtures, signs, painting, awnings or any other elements of a building affecting its appearance and the words "altered" and "alteration" shall have a similar meaning;
- (b) "architectural" includes all buildings, structures, and monuments except those normally used as vehicles for the transportation of goods, animals, or people; the transportability of a structure shall not of itself exclude the structure from the "architectural" definition;
- (c) "architectural interest" refers only to the visual interest of a building, structure, or monument; it implies no compliance with any particular canon of taste, nor any judgment on the significance of the structure in the history of architecture or engineering of the City of Winnipeg;
- (d) "building" means a man-made element or any part thereof, including engineering structures, monuments and conventional structures and includes erection or structures or any part thereof;
- (e) "Buildings' Conservation List" or "List" is the list of buildings, erections or structures to be conserved and preserved for their architectural or historical interest in the City of Winnipeg to be subject to the provisions of this By-law and which will form Schedule "A" to this By-law;
- (f) "City Clerk" means the City Clerk of The City of Winnipeg;
- (g) "Commissioner" means the Commissioner of Environment of The City of Winnipeg;

- (h) "Committee" means the Committee established under Section 1 of this By-law;
- (i) "Committee on Environment" means the Committee on Environment of The City of Winnipeg;
- (j) "Community" means one of the Communities established under Section 20 of The City of Winnipeg Act;
- (k) "Community Committee" means a Community Committee established under Section 20 of The City of Winnipeg Act;
- (l) "Council" means the Council of The City of Winnipeg;
- (m) "historic interest" includes, but is not limited to, social, political, cultural and architectural history as related to the founding and development of the present City of Winnipeg; it is intended to include all aspects of the potential interest of a given structure which are not intrinsic to the actual original or present fabric and appearance of the structure;
- (n) "integrity" means that a structure or a site is what it is represented to be;
- (o) "interest" means interest in relation to the founding and development of the present City of Winnipeg, and is not to be taken as implying interest in a provincial or federal context;
- (p) "owner" means the registered owner of a building, erection or structure or his agent.

4. CRITERIA

(1) The Commissioner, by written Certificate, or Council, by resolution, under Section 7, or Section 9, may list a building on the Buildings' Conservation List within a Grade if in his, or its, opinion the building:

- (a) has significance in illustrating or interpreting history in the City; or
- (b) has architectural interest and/or historic interest; or
- (c) illustrates the broad architectural, cultural, social, political, economic or military patterns of history in the City or should be associated or identified with events or persons that have shaped that history in a significant way;

(2) Without limiting the generality of the foregoing, consideration may be given whether:

- (a) the building may have been associated with the life of an historic personage or have played a role in an important historic event;
- (b) the building may embody the distinguishing characteristics of an architectural type valuable for the study of a style or method of construction of its period or area or be a notable example of the work of an early master builder, an important designer, or a significant architect;
- (c) the building has the potential for illustrating our heritage to a degree such that it will be possible for the visitor to gain from the building an understanding of the architecture or history with which it is associated;
- (d) the building and its site possess integrity;
- (e) the building is significant because of the original materials and workmanship remaining;
- (f) the building is significant due to the factors of feeling, association and aesthetics;
- (g) the architectural character of the building is such that on the basis of style, plan and sequence of spaces, use of materials and surface treatment and all other detailing, including windows, doors, lights, signs, and other fixtures of such buildings, and the relation of such factors to similar features of the buildings in the immediate surroundings making the building under determination significant;
- (h) the building forms an integral part of a section of character in a given community and whether its context and its contribution to that context has special value.

5. PRIORITY RATINGS

There are hereby established four Grades of priority ratings within the Buildings' Conservation List as follows:

(1) GRADE I

It is the objective of a Grade I listing to preserve the entire building in perpetuity. No Certificate of Suitability shall be issued allowing demolition or removal of a building within Grade I and, subject to Section 12(3), a Certificate of Suitability for any other purpose may be issued only if the Committee on Environment is satisfied that in its opinion the purpose to be authorized thereby does not affect the architectural or historical interest of the building.

(2) GRADE II

It is the objective of a Grade II listing to preserve in perpetuity the exterior of the building and such interior elements as are specified in the listing. No Certificate of Suitability shall issue allowing the demolition or removal of a building listed within Grade II or of the interior elements as are specified in the listing and, subject to Section 12(3), a Certificate of Suitability for any other purpose may be issued only if the Committee on Environment is satisfied that in its opinion the purpose to be authorized thereby does not affect the architectural or historical interest of the building.

(3) GRADE III

It is the objective of a Grade III listing to prevent unnecessary demolition, removal or alteration and to regulate necessary demolition, removal or alteration and, in the case of authorized demolition or removal, to record or preserve, where possible, building components which, in the opinion of the Committee on Environment, have architectural or historical interest. Subject to Section 12(3), a Certificate of Suitability may be issued authorizing demolition, removal or alteration of a building listed within Grade III which, in the opinion of the Committee on Environment, affect its architectural or historical interest after considering a recommendation thereon of the Community Committee of the Community of the City in which the building is located.

(4) GRADE IV

It is the objective of a Grade IV listing to regulate demolition and removal and to record or preserve, where possible, building components which, in the opinion of the Committee on Environment, have architectural or historical interest. Subject to Section 12(3), a Certificate of Suitability may issue authorizing demolition or removal of a building listed within Grade IV after considering a recommendation thereon of the Community Committee of the Community of the City in which the building is located.

6. LISTING AND NOTICE

(1) Any building in the City of Winnipeg, including any interior elements of a Grade II priority building, may be listed on the Buildings' Conservation List within a priority rating by:

(a) The Commissioner by a written Certificate filed with the City Clerk, with or without the recommendation of the Committee, subject to appeal

procedures as set out in Section 8, and provided that such listing shall lapse if it is not confirmed by Council within one (1) year of such listing; or

(b) Council pursuant to the procedure as set out in Section 9.

(2) Any notice to an owner required under this By-law may be given by registered mail, addressed to the owner at the last address shown on the assessment rolls of the City.

7. LISTING BY THE COMMISSIONER

- (a) Upon a building being listed by the Commissioner on the Buildings' Conservation List, the Commissioner shall immediately notify the owner of such building that the building is on the List, and if the building is one not recommended to him by the Committee he shall immediately notify the Committee of such listing, and in the case of a Grade III or Grade IV building, he shall also notify the Community Committee of the Community of the City in which the building is situated.
- (b) If no appeal against the listing is taken within the time provided under Section 8, the Commissioner shall refer the listing to Council through the Committee on Environment for confirmation.

8. APPEAL FROM THE LISTING OF THE COMMISSIONER

Appeal from the listing of a building on the Buildings' Conservation List by the Commissioner shall be as follows:

- (a) An owner may appeal the listing of a building by the Commissioner by sending a letter of appeal to the City Clerk within fourteen (14) days after the mailing of a notice of such listing to him.
- (b) Upon receipt of a letter of appeal, the Committee on Environment shall hold a hearing as part of its regular Committee business and hear representations from the owner, the Committee, and in the case of a Grade III or a Grade IV building, from the Community Committee of the Community of the City in which the building is situated, which latter representation may be in the form of a written report and the Committee on Environment may confirm, reject or vary such listing.
- (c) The Committee on Environment shall then forward its recommendation to Council and to the owner.
- (d) After notice to the owner, Council shall hear representation from the owner and the Committee and render its decision, confirming, rejecting or varying such listing, which decisions shall be final.

9. PROCEDURES FOR LISTING BY CITY COUNCIL

The procedures for listing a building on the Buildings' Conservation List by City Council shall be as follows:

- (1) For Grade I and Grade II buildings:
 - (a) the Committee may recommend the listing of a building under either of these two Grades on the Buildings' Conservation List to the Committee on Environment.
 - (b) the Committee on Environment shall notify the owner of the proposed listing and thereafter no alteration, repair, demolition or removal shall be carried out on the building or site by the owner or anyone on his behalf unless Council rejects the listing thereof or, once listed, in accordance with a Certificate issued under this By-law, provided that application may be made prior to such listing for a Certificate of Ordinary Maintenance or a Certificate of Suitability to permit such work and such application shall be without prejudice to the owner's position regarding listing of the building;
 - (c) the owner may object to such proposed listing by delivering a letter of objection to the City Clerk, or by mailing a letter of objection, by registered mail, to the City Clerk, and if no letter of objection is received within fourteen (14) days from such notification, the building shall be deemed to be listed by the Council;
 - (d) upon receipt of a letter of objection, after notice to the owner, the Committee on Environment shall hold a hearing as part of its regular Committee business;
 - (e) the Committee on Environment shall then make its recommendation to Council;
 - (f) after notice to the owner, Council shall hear representations from the owner and the Committee and may list the building on the Buildings' Conservation List under the Grade recommended or any lesser Grade.
- (2) For Grade III and Grade IV buildings:
 - (a) the Committee may recommend the listing of a building under either of these two Grades on the Buildings' Conservation List to the Committee on Environment and to the Community Committee of the Community of the City in which the building is situated;

- (b) the Community Committee shall make a report with recommendations to the Committee on Environment;
- (c) the Committee on Environment shall notify the owner of the proposed listing and thereafter no work shall be carried out on the building or site by the owner or anyone on his behalf from the date of such notification unless Council rejects the listing thereof or, once listed, in accordance with a Certificate issued under this By-law, provided that application may be made prior to such listing for a Certificate of Ordinary Maintenance or a Certificate of Suitability to permit such work and such application shall be without prejudice to the owner's position regarding listing of the building;
- (d) the owner may object to such proposed listing by delivering a letter of objection to the City Clerk, or by mailing a letter of objection, by registered mail, to the City Clerk, and if no letter of objection is received within fourteen (14) days from such notification, the building shall be deemed to be listed by the Council;
- (e) upon receipt of a letter of objection, after notice to the owner, the Committee on Environment shall hold a hearing as part of its regular Committee business;
- (f) the Committee on Environment shall then make its recommendation to Council;
- (g) after notice to the owner, Council shall hear representations from the owner and the Committee may list the building on the Buildings' Conservation List under the Grade recommended or under Grade IV where Grade III was recommended.

10. REMOVAL OF BUILDING FROM LIST

Any owner or the Commissioner may apply to have a building removed from the Buildings' Conservation List or listed under a different Grade by writing the City Clerk to that effect. In such case, the procedure to be followed shall be that for the listing of a building and shall be determined by its Grade and Sections 9(1) or 9(2) shall apply, mutatis mutandis.

11. GRADING AND CHANGE OF GRADING

- (1) The power of Council to list a building on the Buildings' Conservation List shall be deemed to include the power to change a listing to another Grade.

(2) Any change of a listed building to a different Grade or appeal thereof shall be subject to the same procedures as set out for listing of a building, except in the case where Council varies a listing under Section 8(d).

12. PROHIBITION OF THE ALTERATION, REPAIR, DEMOLITION, REMOVAL OR OCCUPANCY OF ANY BUILDING ON THE BUILDINGS' CONSERVATION LIST

(1) Certificate of Suitability:

- (a) Subject to subsection (3) of this Section, no permit shall be issued for the alteration, repair, demolition, removal or occupancy of any building on the Buildings' Conservation List without prior issuance of a Certificate of Suitability issued in accordance with this Section and Section 5.
- (b) Subject to subsection (3) of this Section and whether a building permit is required or not, no building shall be altered, repaired, demolished or removed until after an application for a Certificate of Suitability has been submitted to the Committee on Environment on recommendation of the Committee and such Certificate has been issued certifying that the proposed work, in the opinion of the Committee on Environment, is appropriate to a building on the Buildings' Conservation List subject to the conditions stipulated in that Certificate, if any.
- (c) No such building shall be altered, repaired, demolished or removed except in accordance with that Certificate of Suitability, including any Plans or Specifications attached thereto.

(2) Certificate Procedure:

- (a) Committee on Environment shall issue or refuse a Certificate of Suitability on recommendation of the Committee, which decision shall be final.
- (b) Upon application for a Certificate of Suitability the ~~Commissioner~~ on Environment shall refer it to the Committee, which Committee shall give the applicant notice of the date, time and place of a meeting at which a recommendation on the application will be considered and any representations by the applicant will be heard.
- (c) The Committee shall make its recommendation on the application to the Committee on Environment.

- (d) Where the Committee recommends that the application for a Certificate of Suitability should be refused by Committee on Environment, it shall record in its minutes the reason for such recommendation and provide the applicant therefor with a copy of such reasons thereof by registered mail, such reasons to form part of the Committee's recommendation to Committee on Environment.
- (e) Upon receipt of the recommendations as set out in subsection (f), the Committee on Environment shall, after notice to the applicant, hold a hearing as part of its regular business and may refuse or issue a Certificate of Suitability, with or without conditions, and such decision of the Committee on Environment shall be final.
- (f) A decision of the Committee on Environment shall be made by a majority vote of those members present but where there is a tie vote, the Chairman shall have an additional or casting vote.

(3) Certificate of Ordinary Maintenance:

A Certificate of Suitability is not required for ordinary maintenance or repair of a building certified by the Commissioner or his delegate not to involve a change in any element of design which affects the appearance of the building or its historic or architectural interest. A Certificate under this section shall be referred to as a Certificate of Ordinary Maintenance.

13. PENALTIES

Any demolition, alteration, repair, removal or occupancy of a building on the Buildings' Conservation List or temporarily listed except in accordance with a permit in these specific cases, is an offence and the provisions of Section 138 of The City of Winnipeg Act apply.

14. GRANTS

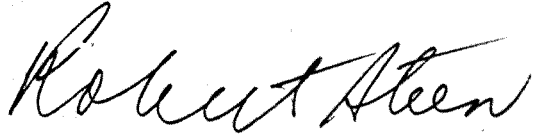
Council may, in its discretion, grant moneys to aid in the conservation of a building listed on the Buildings' Conservation List.

15. ADMINISTRATION

The administration of this By-law shall be the responsibility of the Commissioner of Environment,

who may assign such personnel as he deems necessary to advise and assist the Committee."

DONE AND PASSED, in Council assembled, this 17th day of **AUGUST**, A.D. 1978.

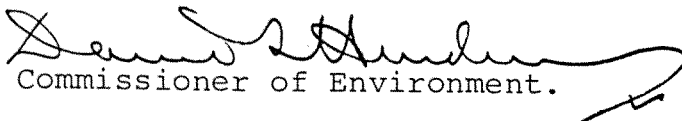


Mayor.



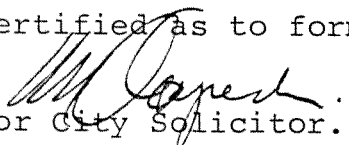
City Clerk.

Certified as to details:



Commissioner of Environment.

Certified as to form:



for City Solicitor.