

December 9, 2007

Dear Mayor O'Brien and Members of Council:

In my remarks at last Monday's Committee of the Whole Meeting I suggested the need for the City to have an efficient and timely emergency protocol to permit the direct intervention by the City in the preservation of heritage buildings at risk. After some questions from Committee members, Councillors McRae and Jellett asked me to elaborate on this matter for possible discussion during the upcoming budget debate.

BACKGROUND: The Chief Building Official's office and the Property Standards Branch have the responsibility to require an owner to undertake the remediation of an unsafe building by securing the site, providing an engineering report as to how to repair it and to undertake the repairs as outlined in a permit authorizing the repairs. Unfortunately, there are many occasions when such repairs are not forthcoming and the City fails to engage an engineer to develop the remediation plan and arrange for the repairs. In many instances, this failure to act results in further deterioration of the building often resulting in a Fire Marshall's order to repair or demolish. All-too-often this results in the demolition of the building. This was the case a few years ago with the loss of former Caplan building on Rideau Street.

In the case of 31 Sweetland Avenue, a building designated under Part IV of the *Ontario Heritage Act*, repeated repair orders have gone unheeded by the owner. The situation has become so serious that City Property Standards staff is finally attempting to do the work but the need for coordination among three City departments has further delayed the work.

In the Lowertown Heritage Conservation District, there are examples of vacant heritage buildings (207-209 Murray Street, 281-283 Cumberland Street & 52-54 Bolton Street) which have been neglected by their owner and the City seems unwilling or unable to step in and do the work. In Sandy Hill, the University of Ottawa has shown the same cavalier disregard for buildings under their care.

What do we need?

PROTOCOL: The City needs an emergency heritage preservation protocol that involves fast response and cooperation between the Chief Building Official, Building Services Branch, Property Standards Branch, Fire Marshall and the Planning Transit and the Environment Department. This should also include the involvement of the community through the City's LACAC, Heritage Ottawa and other non-profit groups like Historic Ottawa Developments Inc. (HODI). Provincial organizations and departments such as the Ontario Heritage Trust, the Architectural Conservancy of Ontario and the Ontario Ministry of Culture should be consulted and called upon for expertise where appropriate.

If such a protocol had already been in existence, it is possible that direct City intervention in the restoration of 352 Somerset Street West (Somerset House) could have happened much sooner than it did, thus avoiding the partial collapse of the building or at least preventing the site from being the subject of an Ontario Ministry of Labour stop-work order.

DATABASE: The City should establish a database of qualified heritage consultants in a variety of disciplines. At least two consultants should be retained to provide the City with workable preservation options for each situation.

FUNDING: A budget item should be established to permit the City to act on emergency studies, protection and stabilization. The costs incurred in such interventions would be added to the taxes due on the property, thus eventually making these interventions revenue neutral. The threat of having a lien or easement on the property for recouping the cost of such work would also act as a deterrent to those property owners who would allow their properties to deteriorate.

INCENTIVES: The City needs to actively lobby the federal and provincial governments to reinstate their programs to encourage heritage preservation such as the provincial Designated Property Grant Program and the federal Commercial Heritage Property Incentive Fund (CHPIF). Prior to its cancellation in October 2006, CHPIF had allocated \$30 million for the restoration of heritage properties across Canada.

A motion by Council instructing City staff to establish a program as outlined above and providing them with a budget and authority to implement it wherever necessary would be a major step in saving our City's at-risk heritage buildings.

Yours sincerely,
David B. Flemming,
President
Heritage Ottawa