

Building Matters

HERITAGE PROPERTIES

Demolition Permits

Sherry Sparks

This column on Heritage Properties is the third part of a three-part column: the 1st part was published in September and outlined the steps one needs to take before restoring a heritage building and the purpose of the heritage preservation By-law Z-1102. The second column published in October dealt with financial assistance, more specifically with the City's Grants Program. This third and final column on heritage properties will explain the procedure one needs to follow in order to demolish a heritage building. The present column deals only with *designated properties* as per the municipal heritage by-law and does not apply to other older buildings in the city.

The Heritage Preservation By-law will guide you

The procedure to demolish a building on a designated heritage property is outlined in the City of Moncton's Heritage preservation By-law Z-1102. The sections of interest, which relate to demolition, are in sections 8, 9, and 10.

Demolition Requires Approval from HPRB

If your property is a designated heritage structure, you must receive the approval of the Heritage Preservation Review Board (HPRB) before proceeding with any demolition work. To do so, owners of a heritage property need to apply for a *Certificate of Appropriateness*.

In considering an application for a *Certificate of Appropriateness* involving alterations to existing structures or in this case demolition of a building or structure, the Heritage Preservation Review Board considers the *Standards and Guidelines for the Conservation of Historic Places in Canada* to be the guiding document. The document can be viewed at www.pc.gc.ca.

It's important to keep in mind that obtaining a Certificate of Appropriateness is typically a 4-week process.

A Public Offer to Sell is Mandatory

The Board shall not issue a Certificate of Appropriateness unless the owner has made a publicly advertised Notice of Offer to Sell such building or structure and the associated land, for a period of no less than six months and up to a maximum of 12 months at a fair market price. The owner must have this printed at his/her expense, in a newspaper of general circulation in the Moncton area.

The evaluation process

The request for demolition is taken very seriously by the HPRB and there is a lengthy evaluation and approval process. In the past, the board has worked with owners to try and reach an agreement whereby all possible options have been explored to restore all or a portion of the building in question before considering the option of demolition.

Many factors contribute to making the final decision (i.e. if the building has been damaged by fire or is deemed dangerous and unsafe, or an unsightly premise.

If all the steps have been followed as per the by-law and all potential avenues were exhausted and a Certificate is issued, the board has the right to attach terms and conditions to the Certificate. These terms and conditions are outlined in the By-law Z-1102, section 9 (3):

9 (3) The Board may issue the Certificate of Appropriateness to demolish a building or structure, subject to such terms and conditions as the Board deems necessary to preserve any parts or features of such building or structure which are historic or of architectural value and interest.

The HPRB publishes approval for demolition

Upon issuing a Certificate approving the demolition of any designated building or structure or any part thereof, the Board shall, at its own expense, publish a notice in a daily circulation newspaper in the Moncton area stating that the building or structure in question has been approved for demolition, the date of issue of the Certificate and will also outline the

statutory right of appeal of the Board's decision. The Board will also notify the Minister responsible for the Historic Sites Protection Act that the Certificate has been issued.

Moncton's heritage programs as well as The *Heritage Preservation By-law* is available online at www.moncton.ca/heritage.

The City of Moncton's Building Inspection department is responsible for safeguarding life, property, and public welfare by ensuring compliance to property and zoning by-laws, whether it is in the area of design, construction, or alteration of buildings.

Sherry Sparks is the director of Building Inspection for the City of Moncton. She holds a diploma in Civil Engineering Technology and a Bachelor of Science in Civil Engineering. Sherry has been working in the field for 27 years, is currently President of the New Brunswick Building Officials Association and became a fellow of Engineers Canada in 2008. For more information on building guidelines and permits, visit the Housing and Building section of our website (moncton.ca), e-mail questions to info@moncton.ca, or call 856-4375.