

THE CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 8381, 2023

A bylaw of the Corporation of the City of New Westminster to designate the principal building and specific building features located at 109 Third Avenue as protected heritage property.

WHEREAS the *Local Government Act*, RSBC 2015, c.1 provides Council with authority, by bylaw, to designate real property, in whole or in part, as protected heritage property, on terms and conditions it considers appropriate;

AND WHEREAS the registered owner of the land located at 109 Third Avenue has requested that Council designate the principal building and specific building features on the land as protected heritage property, and has released the City from any obligation to compensate the registered owner for the effect of such designation;

AND WHEREAS Council considers that the principal building located at 109 Third Avenue has significant heritage value and character and is a prominent and valued heritage property in the City;

AND WHEREAS Council considers that designation of the principal building located at 109 Third Avenue as protected heritage property under the provisions of the *Local Government Act* is necessary and desirable for its conservation;

NOW THEREFORE City Council of the Corporation of the City of New Westminster enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "Heritage Designation Bylaw (109 Third Avenue) No. 8381, 2023."

INTERPRETATION

2. In this Bylaw, the terms "heritage value", "heritage character" and "alter" have the corresponding meanings given to them in the *Local Government Act*.
3. In this Bylaw; the term "Building" shall refer to the principal building.

DESIGNATION

4. The Building and twenty-two (22) leaded stained glass windows, one (1) set of three (3) wood mullioned windows located in the main bathroom, two (2) wood mullioned windows located in the attic, and interior woodwork (architectural features and trim, doors and flooring) in the front hall, front hall stairway, living room and dining room, located on that parcel of land having a civic address of 109 Third Avenue, New Westminster, British Columbia, legally described as PID: 029-414-105; LOT 1 SUBURBAN BLOCK 6 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP44914, is hereby designated in its entirety as protected heritage property under section 611 of the *Local Government Act* of British Columbia.

PROHIBITION

5. Except as expressly permitted by Section 5 or as authorized by a heritage alteration permit issued by the City, no person shall undertake any of the following actions, nor cause or permit any of the following actions to be undertaken in relation to the Building:
- (a) alter the exterior of the Building;
 - (b) alter or remove the following building features located in the Building:
 - (i) twenty-two (22) leaded stained glass windows, one (1) set of three (3) wood mullioned windows located in the main bathroom, two (2) wood mullioned windows located in the attic, and interior woodwork (architectural features and trim, doors and flooring) in the front hall, front hall stairway, living room and dining room;
 - (c) make a structural change to the Building including, without limitation, demolition of the Building or any structural change resulting in demolition of the Building;
 - (d) move the Building; or
 - (e) alter, excavate or build on that portion of land upon which the Building is located.

EXEMPTIONS

6. Despite Section 4, the following actions may be undertaken in relation to the Building without first obtaining a heritage alteration permit from the City:
- (a) non-structural renovations or alterations to the interior of the Building that do not alter the exterior appearance nor the building features included in section 5(b)(i) of this bylaw; and
 - (b) normal repairs and maintenance that do not alter the exterior appearance nor the building features included in section 5(b)(i) of this bylaw.
7. For the purpose of section 5, “normal repairs” means the repair or replacement of non-structural elements, components or finishing materials of the Building with elements, components or finishing materials that are equivalent to those being replaced in terms of heritage character, material composition, colour, dimensions and quality.

MAINTENANCE

8. The Building shall be maintained in good repair in accordance with the City of New Westminster Heritage Property Maintenance Standards Bylaw No. 7971, 2018, as amended or replaced from time to time.

HERITAGE ALTERATION PERMITS

9. Where a heritage alteration permit is required under this Bylaw for a proposed action in relation to the Building, application shall be made to the City of New Westminster Climate Action, Planning and Development Department in the manner and on the form prescribed, and the applicant shall pay the fee imposed by the City for such permit, if any.
10. City Council, or its authorized delegate, is hereby authorized to:
- (a) issue a heritage alteration permit for situations in which the proposed action would be consistent with the heritage protection provided for the Building under this Bylaw;
 - (b) withhold the issue of a heritage alteration permit for an action which would not be consistent with the heritage protection provided for the Building under this Bylaw;
 - (c) establish and impose terms, requirements and conditions on the issue of a heritage alteration permit that are considered to be consistent with the purpose of the heritage protection of the Building provided under this Bylaw ; and
 - (d) determine whether the terms, requirements and conditions of a heritage alteration permit have been met.

RECONSIDERATION BY COUNCIL

11. An applicant or owner whose application for a heritage alteration permit for alteration of the Building has been considered by an authorized delegate may apply for a reconsideration of the matter by Council, and such reconsideration shall be without charge to the applicant or owner.

GIVEN FIRST READING this 9th day of January 2023.

GIVEN SECOND READING this 9th day of January 2023.

PUBLIC HEARING held this _____ day of _____ 2023.

GIVEN THIRD READING this _____ day of _____ 2023.

ADOPTED this _____ day of _____ 2023.

MAYOR PATRICK JOHNSTONE

JACQUE KILLAWEE, CITY CLERK