

ORDER TO REMEDIATE

Contravention of the Historical Resources By-law No. 55/2014

February 4, 2022

REGISTERED MAIL: RN 445 932 731 CA

Nexus Loft Development Corp.
210 Whytewold Road
Winnipeg, MB, R3J 2W2
Attention: Patrick Earl HITCHCOCK, President

REGULAR MAIL

Nexus Loft Development Corp.
210 Whytewold Road
Winnipeg, MB, R3J 2W2
Attention: Patrick Earl HITCHCOCK, President

RE: 242, 244, AND 246 Princess Street

LEGAL DESCRIPTION: LOT 1 PLAN 47292 WLTO IN RL 11 PARISH OF ST JOHN

LOT 2 PLAN 47292 WLTO IN RL 11 PARISH OF ST JOHN

LOT 3 PLAN 47292 WLTO IN RL 11 PARISH OF ST JOHN

An inspection of the addresses municipally known as 242, 244, and 246 Princess Street has revealed that the protected listed elements are in conditions that are in contravention of the City of Winnipeg Historical Resources By-law No. 55/2014, specifically:

Section 6(1)(a)(b) "Subject to Part 4, the owner of a property on which a listed resource is located must not (a) demolish or alter, or permit to be demolished or altered, the listed resource; or (b) construct, erect or locate a permanent or temporary building on the property in contravention of a listing.", and;

Section 6(2) "For greater certainty, clause (1)(a) prohibits the owner of a property on which a listed resource is located from taking any action that would have the effect of destroying, removing or dismantling a listed resource."

A copy of the aforementioned By-law can be viewed here:

<http://clkapps.winnipeg.ca/DMIS/bylaw.asp?id=55-2014C>

The buildings were designated as Grade II heritage buildings and placed on the Buildings Conservation List under the former Historical Buildings By-law No. 1474/77 on November 30, 2004, the objectives of which include:

- to preserve the entire exterior of the building, erection or structure and such of its interior elements as are specified in the listing, and;
- to ensure that all repairs thereof are appropriate to their special architectural or historical interest, and;
- to prevent or regulate demolition, removal, alteration or repair of the remainder of such interior.

The buildings are now on the List of Historical Resources under the Historical Resources By-law No. 55/2014, and restrictions imposed by virtue of the assigned grade under By-law No. 1474/77 have transferred over to By-law No. 55/2014.

ACCORDINGLY, YOU ARE HEREBY ORDERED to correct the following building deficiencies and engage in the following scheduled timeline at the addresses municipally known as 242, 244, and 246 Princess Street:

THESE BUILDING DEFICIENCIES HAVE BEEN OBSERVED AND THAT HAVE THE EFFECT OF DESTROYING THE LISTED RESOURCE INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. Deterioration of the exterior masonry foundation walls, especially along the south foundation wall where significant movement has occurred, and;
2. Masonry deterioration throughout all walls including the separation of the primary (east) exterior wall from east/west demising walls, mortar deterioration, and various cracks in the exterior walls, and;
3. The roof structure has bowed in areas, and;
4. Several windows have been removed and replaced with poly sheets, and;
5. A concrete masonry demising infill wall shows signs of movement, and;

6. The basement floor slab has heaved in several areas, and;
7. Snow and water infiltration is evident in the basement floor slab and through various walls and windows, and;
8. There is no heating system in the basements.

SCHEDULED TIMELINE:

1. Engage in the services of a Structural Engineer, licensed to practice in the Province of Manitoba who is skilled in the area of work concerned, to design Temporary Shoring to support the building structures at 242, 244, and 246 Princess Street until permanent repair of the buildings is completed, and provide a complete scope of work outline with drawings (under signed and seal of the design professional) for all said work and apply for permit(s) for all Temporary Shoring **IMMEDIATELY, and;**
2. Obtain permit(s) for the Temporary Shoring and install all required Temporary Shoring to stabilize the buildings at 242, 244, and 246 Princess Street Obtain permit(s) for the remediation of any and all building deficiencies at 242, 244, and 246 Princess Street in accordance with Part 3 of the Historical Resources By-law No. 55/2014 and all other applicable City of Winnipeg By-laws **on or before, but not later than February 22, 2022, and;**
3. Obtain the services of a Structural Engineer, licensed to practice in the Province of Manitoba, to inspect the building and forward a report to this office that either:
 - (a) Certifies the structural integrity of the buildings in their present condition **on or before, but not later than February 22, 2022, or;**
 - (b) Identifies all structural defects and outlines a proposal of remedial repairs required to bring the structural aspects of the buildings into compliance with the By-law **on or before, but not later than February 22, 2022, and;**
4. If the Structural Engineer provides a report under (3b), you must:
 - (a) Submit complete construction plans and documents detailing all required repairs and how the property will be rehabilitated to comply with the Historical Resources By-law and make an application for the required Heritage Permit **on or before, but not later than April 5, 2022, and;**
 - (b) Obtain the necessary Heritage Permit and complete all required repairs in accordance with said issued permit to bring the building into compliance, making all repairs in a manner accepted as good workmanship in the trade concerned, with materials suitable and sufficient for the purpose and in compliance with all applicable Codes, Regulations and By-laws, **on or before, but not later than September 6, 2022, and;**
5. Obtain the services of a licensed mechanical engineer and/or contractor to design, licensed to practice in the Province of Manitoba, and install a heating system to heat the basements to a temperature of 10 degrees Celsius at all times. Obtain the necessary permits to perform this work.

Heritage Permit application are found at <https://winnipeg.ca/ppd/Heritage/HeritageReviewPermits.stm> and inquiries can be made at ppd-heritage@winnipeg.ca. Zoning and Building Construction Permit applications are found at https://winnipeg.ca/ppd/permits/permits_online.stm and permit inquiries can be made at City of Winnipeg, Zoning and Permits Branch, by phone at 204-986-5140, or email ppd-permit@winnipeg.ca.

There may be other Code and By-Law violations at the above noted premises that are unknown at the time of issuance of this Order, therefore, in accordance with section 5.8 of the City of Winnipeg Building By-Law No. 4555/87, my inspection does not relieve the owner from full responsibility for carrying out the work or having the work carried out and for maintaining the building or structure in accordance with the requirements of the Code or By-Law.

A copy of the aforementioned By-law can be viewed at:

<http://clkapps.winnipeg.ca/dmis/docext/ViewDoc.asp?DocumentTypeId=1andDocId=1265andDocType=C>

ADMINISTRATION FEES

This Order may carry an administration fee of \$168.00 pursuant to the Winnipeg Planning, Development and Building Fees and Charges By-law 66/2016 section 11 Administration Fees: Administration fee for collection process on overdue accounts (including registering and unregistering a caveat or lien on title), if a caveat is issued on the property.

A copy of the aforementioned By-law can be viewed at:

<http://clkapps.winnipeg.ca/dmis/docext/ViewDoc.asp?DocumentTypeId=1&DocId=6820&DocType=C>
<https://www.winnipeg.ca/ppd/fees/default.stm>

FAILURE TO COMPLY

Please note that if you fail to comply with this Order, further enforcement action may be undertaken pursuant to The City of Winnipeg Charter, the Provincial Offences Act, and/ or the Municipal Bylaw Enforcement Act, which may include the City of Winnipeg undertaking and completing any required remediation work related to this Order, and the associated costs could be added to your property tax bill. Your compliance with this Order will make such actions unnecessary.

APPEAL

In accordance with section 189 of The City of Winnipeg Charter, you are entitled to appeal this Order to the Standing Policy Committee on Property and Development, Heritage, and Downtown Development by:

- the date specified for compliance as indicated; or
- fourteen (14) days of receipt of this Order,

whichever is earlier.

You must send your written appeal to:

Standing Policy Committee on Property and Development, Heritage, and Downtown Development Attention:

City Clerks Department

510 Main Street, Winnipeg, MB, R3B 1B9

Fax: 204-947-3452 • CLK-Appeals@winnipeg.ca

Should you have any questions with regard to this matter, please contact the Heritage Officer, Murray Peterson at 204-986-2827, or mpeterson@winnipeg.ca, Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Regards,



Murray Peterson
Heritage Officer
Urban Planning & Design Division
Planning, Property and Development Department
City of Winnipeg
Designated Employee

/ca

NOTICE and INVOICE

February 4, 2022

Invoice: 22-110235 ORD

Nexus Loft Development Corp.
210 Whytefold Road
Winnipeg, MB, R3J 2W2
Attention: Patrick Earl HITCHCOCK, President

RE: 242, 244 and 246 Princess Street

FOLDER NO: 22-110235 ORD

LEGAL DESCRIPTION: LOT 1 PLAN 47292 WLTO IN RL 11 PARISH OF ST JOHN

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NOTICE

In accordance with the Planning, Development and Building Fees and Charges By-law 66/2016 section 11 Administration Fees, administration fee of \$168.00 (One Hundred Sixty-Eight Dollars) has been levied on you as the Owner of record for the property known municipally as 242, 244 and 246 Princess Street.

A copy of the aforementioned By-law can be viewed at:

<http://clkapps.winnipeg.ca/dmis/docext/ViewDoc.asp?DocumentTypeId=1&DocId=6820&DocType=C>

<https://www.winnipeg.ca/ppd/fees/default.stm>

INVOICE

Invoice Number	Administration Caveat Registration Fee	Total
22-110235 ORD	\$168.00	\$168.00
Total	\$168.00	\$168.00

Please remit payment in the amount of \$168.00 (One Hundred Sixty-Eight Dollars) by March 11, 2022. Note that there is an Administration Fee for the collection of overdue accounts; and in accordance with the City of Winnipeg Charter Act, any outstanding fees will be recovered by way of a levy applied to the property's taxes or by the services of a collection agency.

A copy of the aforementioned City of Winnipeg Charter Act can be viewed at:

http://web2.gov.mb.ca/laws/statutes/2002/c039_2e.php

To make payment, please contact the Cashier's Office, Monday to Friday between 8:30 a.m. and 4:30 p.m. by phone at 204-986-5140 or in person at Unit 31 – 30 Fort Street, Winnipeg, MB, R3C 4X7. Payment can be made by credit card, debit card, cash or cheque made payable to The City of Winnipeg. The property address and invoice number must be noted with the payment.