



STAFF REPORT INFORMATION ONLY

Action Taken Under Delegation of Authority to Deal with Heritage Matters during and after the 2006 Municipal Election

Date:	December 18, 2006
To:	Toronto and East York Community Council
From:	Director, Policy and Research, City Planning Division
Wards:	All
Reference Number:	

SUMMARY

This report provides a summary of all instances whereby the Chief Planner utilised the short-term delegation of authority approved by Council at its July 25, 26, 27, 2006 meeting to deal with applications under Parts IV and V of the *Ontario Heritage Act* during and after the municipal election. During the period that authority was delegated to the Chief Planner, only one application was submitted to Heritage Preservation Services that required action by the Chief Planner. This was a demolition application under Part IV of the *Ontario Heritage Act* for 48 Havelock Street. In order to consolidate the heritage matters with the planning matters before the OMB, the owner had to apply for a demolition permit under the *Ontario Heritage Act*. The Chief Planner refused this application on December 11, 2006.

FINANCIAL IMPACT

There are no financial impacts beyond what has already been approved in the current year's budget.

DECISION HISTORY

On July 25, 26, 27, 2006, City Council adopted the staff recommendations contained in the report dated June 9, 2006 entitled "Short-Term Delegation of Authority to Deal with Applications under Parts IV and V of the *Ontario Heritage Act* During and After the Municipal Election." Recommendation 3 of this report directed the Chief Planner and Executive Director, City Planning, to report through the appropriate Community Council with a list of the applications received and the decisions made in relation thereto.

ISSUE BACKGROUND

Council is required to consider any applications to alter or demolish properties designated under Part IV of the Act and to give notice of its decision within ninety days of receiving the application in the case of a demolition application, and within ninety days after a notice of receipt of the application has been served on the applicant in the case of an application to alter a designated property.

In heritage conservation districts, which are designated under Part V of the Act, the requirement for Council to give notice differs because of the method of approving permits as set out in Article IV of Chapter 103, Heritage, of the Municipal Code. For certain exterior alterations specified in the Municipal Code, permits are deemed to have been given by Council or, for alterations that conform to the district guidelines, staff may grant permits on Council's behalf. When the application does not conform to the district guidelines or demolition of the structure is proposed, Council, and not staff, is required to make a decision within ninety days after notice of receipt has been served on the applicant. If Council fails to respond within the ninety-day period, Council is deemed to have consented to the application.

In addition to designation, Council has expressed its heritage interest in properties by listing them in the City's Inventory of Heritage Properties. Although such listed properties are not designated under either Part IV or V of the *Ontario Heritage Act*, they are considered worthy of designation by both the Toronto Preservation Board and by Council. When an application is made to demolish buildings on a listed property, if Council does not promptly express its intention to designate the property under the *Ontario Heritage Act*, the Chief Building Official is required to issue a demolition permit.

COMMENTS

During the period City Council did not meet due to the election period, the Chief Planner dealt with one application under the short-term delegated authority. An application for

demolition under Part IV of the *Ontario Heritage Act* was submitted to Heritage Preservation Services for 48 Havelock Street on October 3, 2006. This application was made as part of an appeal of City Council's refusal of an Official Plan and Rezoning Application at its meeting on May 23, 24, 25, 2006. In order to consolidate the heritage matters with the planning matter before the OMB, the owner had to apply for a demolition permit under the *Ontario Heritage Act*. The refusal of the application to alter a heritage building by City Council cannot be appealed to the OMB, hence the desire of the owner to apply for demolition under the *Ontario Heritage Act*.

On December 11, 2006, the Chief Planner and Executive Director, City Planning, refused the application for the demolition of 48 Havelock Street under the short-term delegated authority granted by City Council.

No other applications were refused under the short-term delegation of authority to deal with applications under Parts IV and V of the *Ontario Heritage Act* during and after the municipal election.

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SIGNATURE

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