



STAFF REPORT ACTION REQUIRED

Short-Term Delegation of Authority to Deal with Applications under Parts IV and V of the Ontario Heritage Act During the City Council's Summer Recess

Date:	June 9, 2009
To:	Toronto Preservation Board
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	

SUMMARY

To delegate authority to the Chief Planner and Executive Director, City Planning Division, to make decisions in relation to applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the *Ontario Heritage Act*, (the "Act") and to give notice of intention to designate listed properties, until the next regular meeting of Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. approval of this report by the Toronto Preservation Board shall be deemed to be consultation with the Toronto Preservation Board for all purposes under the Act, including subsections 29 (2), 32(2), 33(4), 33(15), 34 (2) and 42 (4.1).
2. the Chief Planner and Executive Director (the "Chief Planner") in consultation with staff of Heritage Preservation Services, be delegated the authority to consider and either consent to or refuse applications to repeal designating by-laws; applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the Act, and to give notice of intention to designate listed properties, until the next regular meeting of Council..

3. the Chief Planner report back to Council through the Toronto Preservation Board and respective Community Councils at the next available meeting following the resumption of regularly scheduled meetings with a list of the applications received and the decisions made in relation thereto.
4. the City solicitor be authorized to introduce any necessary bills in Council.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

Council is required to consider any applications to repeal a designating by-law or 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 an application to repeal a designating by-law or 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. If Council fails to respond within the ninety day period, Council is deemed to have consented to the application.

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 a building or 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 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 express its intention to designate the property under the Act, within 60 days of receiving written notice of the owner's intention to demolish or remove the building or structure, provided that all other conditions are met, the Chief Building Official is required to issue a demolition permit

COMMENTS

During Council's summer recess, no Council meetings are scheduled between July 8 and September 30, 2009. In this interim period there may be applications to repeal designating by-laws or to demolish or alter buildings that have been designated under Part IV and Part V of the Act or listed on the Inventory of Heritage Properties that require a response from Council. As there will be no opportunity to consult with the Toronto Preservation Board or to seek Council approval of any alterations to or demolition of heritage buildings, the ninety-day response period, or sixty days in the case of listed buildings, may expire, in which case Council will be deemed to have consented to such applications.

As failure to respond may result in the premature or unnecessary alteration or demolition of significant heritage buildings, it is necessary to have another mechanism in place to deal with applications until such time as Council is in a position to consider them. Accordingly, it is desirable to direct the Chief Planner to consider and either consent to or refuse applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the Act, and to give notice of intention to designate listed properties upon receipt of an application to alter or demolish, until the next regular meeting of Council. This interim process will cease once the regular Community Council and City Council meeting cycle has re-convened.

CONTACT

Barbara Leonhardt
Director, Policy and Research
Tel: 416-392-8141
Fax: 416-392-3821
E-mail: bleonha@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division