

Authority: Economic Development Committee Report No. 6, Clause No. 2,
as adopted by City of Toronto Council on April 13, 14 and 15, 1999
Enacted by Council: November 25, 1999

CITY OF TORONTO

BY-LAW No. 795-1999

A By-law to Establish the Toronto Preservation Board with Community Local Architectural Conservation Advisory Committee Panels and Provide for the Appointment of Members thereto.

WHEREAS section 28 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 (the “Act”), provides that the Council of a municipality may, by by-law, establish a local architectural conservation advisory committee to advise and assist the Council on all matters relating to Part IV (Conservation of Buildings of Historic or Architectural Value, Designation of Properties by Municipalities) and Part V (Heritage Conservation Districts) of the Act; and

WHEREAS by the adoption of Clause No. 5 of Report No. 6 of the Economic Development Committee at its meeting held on April 13, 14 and 15, 1999, Council of the City of Toronto approved a new framework for the governance of heritage services which includes, among other things, the creation of the City of Toronto Local Architectural Conservation Advisory Committee to be named the Toronto Preservation Board with a Community Local Architectural Conservation Advisory Committee Panel for each area represented by a Community Council; and

WHEREAS Council of the City of Toronto, in furtherance of the above, now wishes to establish the City of Toronto Local Architectural Conservation Advisory Committee to be named the Toronto Preservation Board with a Community Local Architectural Conservation Advisory Committee Panel for each area represented by a Community Council and provide for the appointment of members thereto;

Council of the City of Toronto HEREBY ENACTS as follows:

1. Definitions

In this by-law:

- (1) “Act” means the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as may be amended from time to time;
- (2) “Board” means the City of Toronto Local Architectural Conservation Advisory Committee to be named the Toronto Preservation Board with a Community Local Architectural Conservation Advisory Committee Panel for each area represented by a Community Council, established pursuant to this by-law;
- (3) “Community Council” means a Committee of Council established under section 7 of the *City of Toronto Act, 1997*;
- (4) “Council” means the Council of the City of Toronto;

- (5) “Cultural Heritage Landscape” means a defined geographical area of heritage significance with significant purposefully-created topographic features and associated flora and structures. Such an area is valued by a community, and is of significance to the understanding of the history of a people or place;
- (6) “Heritage Easements or Covenants” means an easement agreement or covenant between the City of Toronto and owners of real property, or interests therein, for the conservation of buildings of historic or architectural value or interest;
- (7) “Heritage Properties” means Properties which are of historic or architectural value or interest;
- (8) “Natural Heritage” means features and areas, such as significant wetlands, fish habitat, significant woodlands, significant valleylands, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their geological, environmental and social values as a legacy of the natural landscapes of an area;
- (9) “Panels” means the Community Local Architectural Conservation Advisory Committee Panels established pursuant to this by-law, one for each of the areas represented by a Community Council which, when referred to individually, shall be called the “Panel”;
- (10) “Property(ies)” means real property and includes all buildings and structures thereon; and
- (11) “Report” means Clause No. 5 of Report No. 6 of the Economic Development Committee adopted by Council at its meeting held on April 13, 14 and 15, 1999.

TORONTO PRESERVATION BOARD

- 2. A local architectural conservation advisory committee to be known as the Toronto Preservation Board (the “Board”) is hereby established.
- 3.
 - (1) The Board shall consist of the Chair or designate of each Panel, five (5) citizens to be appointed by Council and up to three (3) Councillors who may be members of the Panels.
 - (2) The citizens appointed shall possess special interests and/or knowledge that will assist the Board in fulfilling its responsibilities, with at least one of the appointees being knowledgeable about Natural Heritage.

4. The Board shall be responsible for the following:
- (1) advising and assisting Council on all matters relating to Parts IV and V of the Act, including:
 - (a) designation of individual Heritage Properties or of heritage conservation districts pursuant to Parts IV and V of the Act;
 - (b) applications to alter, demolish or remove designated or listed Heritage Properties;
 - (c) applications to repeal by-laws which designate individual Properties as Heritage Properties; and
 - (d) Heritage Easements or Covenants;
 - (2) advising Council, in consultation with the Panels, on the following matters:
 - (a) identification and inventory of Heritage Properties;
 - (b) clarifying the criteria and process for listing and designating Properties as being of historic or architectural value or interest in order to develop uniformity across the City;
 - (c) reviewing heritage studies;
 - (d) commenting on the impact of zoning by-laws on Heritage Properties;
 - (e) commenting on the impact of Official Plan amendments on Heritage Properties;
 - (f) commenting on the impact of sign by-laws on Heritage Properties;
 - (g) monitoring of section 37 agreements, the heritage clauses contained therein and the impact thereof on surrounding properties;
 - (h) inspecting or having inspections done on Heritage Properties;
 - (i) archaeological issues;
 - (j) providing input with respect to Natural Heritage and Cultural Heritage Landscapes;
 - (k) providing input with respect to municipal heritage preservation policies, including incentives for preservation and maintenance by owners of Heritage Properties; and
 - (l) recommending grants for the preservation of Heritage Properties;
 - (3) advocacy in relation to heritage preservation issues;
 - (4) taking responsibility for:
 - (a) coordination of city-wide inventory of Heritage Properties;
 - (b) providing public programming on preservation issues (responsibility shared with the Panels);
 - (c) providing for public awareness and promotion of issues relating to Heritage Properties and Natural Heritage, in cooperation with the new Heritage Toronto to be established by by-law pursuant to the Report, and other heritage groups, as required (responsibility shared with the Panels);

- (d) advising citizens on the care and maintenance of privately-owned Heritage Properties (responsibility shared with the Panels);
 - (e) inventory of Heritage Properties at risk due to a variety of factors, including lack of maintenance, proposed demolition or re-development (responsibility shared with the Panels); and
 - (f) such other duties relating to heritage preservation issues as may be otherwise assigned to it by Council.
5. The Board shall report to the City's Planning and Transportation Committee or its successor committee on city-wide issues relating to heritage matters, recommendations on policy relating to preservation of Heritage Properties and the Official Plan and on any matters related to the Act.
6. (1) The Board shall submit at a time satisfactory to the Commissioner of the department responsible for preservation activities, an annual budget proposal.
- (2) The Board shall not make or incur liability for any operating expenditure.
7. The persons appointed to fill the positions of the Board shall hold office for a term consistent with the City's "Policy on Citizen Appointments to City of Toronto Agencies, Boards and Commissions and External Special-Purpose Bodies."
8. (1) The Board shall, as soon as possible after the first meeting in each term, elect the Chair and Vice Chair.
- (2) The Board shall meet at least ten times in every calendar year and, in addition, at any time at the request of a majority of the members of the Board or at the call of the Chair.
- (3) (a) The Board shall keep proper minutes and records of its meetings and shall keep all papers and documents pertaining to the business of the Board, and all books, documents and files kept by the Board shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.
- (b) The Board shall forward true copies of the minutes and records to all members of the Board, the City Clerk and the Commissioner of the department responsible for preservation activities as soon as possible after each meeting.
- (4) Where vacancy occurs from any cause, Council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.
- (5) Members shall hold office until their successors are appointed.

(6) A majority of the members of the Board, excluding members of Council, constitutes a quorum of the Board.

9. The board shall ensure that programs operated by the Board comply with City policies respecting access, equity and anti-racism.

THE COMMUNITY LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE PANELS

10. A Community Local Architectural Conservation Advisory Committee Panel is hereby established for each area represented by a Community Council.

11. (1) Each Panel shall consist of a minimum of five (5) and a maximum of nine (9) citizen members and a maximum of two (2) Councillors at the discretion of Community Council.

(2) The Panel members shall be nominated by Community Council.

12. Each Panel shall be responsible for the following within its geographical area:

- (1) recommending properties within the local community which should be considered by the Board for designation as Heritage Properties;
- (2) listing Heritage Properties for review and discussion by the Board;
- (3) research into properties being proposed for listing or designation as Heritage Properties, public programs and other preservation-related issues;
- (4) providing for public awareness and promotion of issues relating to Heritage Properties and Natural Heritage, in cooperation with the new Heritage Toronto and other heritage groups, as required;
- (5) promoting neighbourhood heritage and history;
- (6) arranging to erect plaques and/or markers on community sites of local interest;
- (7) providing for local community activities recognizing the efforts of citizens to protect, preserve or promote Heritage Properties;
- (8) coordination of related heritage activities with local museums, societies, the Toronto District School Board and similar organizations within the community (responsibility shared with the Board);
- (9) advocacy; and
- (10) such other duties relating to heritage preservation issues as may otherwise be assigned to it by Council.

13. Each Panel shall report to the Board on all issues related to Parts IV and V of the Act and on all other preservation issues, shall report directly to the local Community Council.

14. The persons appointed to fill the positions of the Panels shall hold office for a term consistent with the City's "Policy on Citizen Appointments to City of Toronto Agencies, Boards and Commissions and External Special-Purpose Bodies".

- 15.** (1) Each Panel shall, as soon as possible after the first meeting in each term, elect the Chair and Vice Chair.
- (2) Each Panel shall meet at least six times in every calendar year and, in addition, at any time at the request of a majority of the members of that Panel or at the call of the Chair.
- (3) (a) Each Panel shall keep proper minutes and records of its meetings and shall keep all papers and documents pertaining to the business of the Panel, and all books, documents and files kept by each Panel shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.
- (b) Each Panel shall forward true copies of the minutes and records to all members of the Panel, the Board, the City Clerk and the Commissioner of Economic Development, Culture and Tourism as soon as possible after each meeting.
- (4) Where vacancy occurs from any cause, Community Council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.
- (5) Members shall hold office until their successors are appointed.
- (6) A majority of the members of the Panel, excluding members of Council, constitutes a quorum of the Panel.
- 16.** The Panels shall ensure that programs operated by each Panel comply with City policies respecting access, equity and anti-racism.

ADMINISTRATION

- 17.** (1) To the extent of any conflict between this by-law and any by-laws of the former municipalities, this by-law prevails.
- (2) The authority of the existing Local Architectural Conservation Advisory Committees continues until the appointment of all members to the Board and the Panels is completed.
- 18.** This by-law shall come into force on January 1, 2000.

ENACTED AND PASSED this 25th day of November, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)