

Authority: Planning and Transportation Committee Report No. 9, Clause No. 5,
as adopted by City of Toronto Council on October 26, 27, 28 and 31, 2005
Enacted by Council: October 28, 2005

CITY OF TORONTO

BY-LAW No. 929-2005

To amend City of Toronto Municipal Code Chapter 103, Heritage, to delegate authority for the issuance of heritage permits under Part IV of the *Ontario Heritage Act* to the Chief Planner and Executive Director, and to authorize the appointment of inspectors.

WHEREAS under sections 33 and 34 of the *Ontario Heritage Act* Council is required to approve the alteration, removal or demolition of properties designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS Council wishes to establish a process for applications under Part IV of the *Ontario Heritage Act*; and

WHEREAS Council wishes to streamline certain heritage approvals by delegating the authority to issue permits for the approval of certain alterations to properties designated under Part IV of the *Ontario Heritage Act* to the Chief Planner and Executive Director, City Planning Division; and

WHEREAS under sections 38 and 45 of the *Ontario Heritage Act* Council is authorized to provide for the appointment of inspectors;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 103, Heritage, of The City of Toronto Municipal Code is amended by adding the following Article:

ARTICLE V

Heritage Permits for Designated Property

§ 103-23. Application; alterations.

- A. Any person wishing to alter, renovate, restore or erect a building or structure or to alter a heritage landscape on a property designated under Part IV of the *Ontario Heritage Act*, shall submit an application in writing to the Chief Planner and Executive Director, City Planning Division and shall provide the following information:
 - (1) The name, address, telephone number, fax number and e-mail address of the owner or the owner's authorized representative;
 - (2) A site plan or sketch showing the location of the proposed work on the property;
 - (3) A statement of the proposed scope of work;

- (4) Drawings of the proposed work showing materials, dimensions and extent of the work;
- (5) Written specifications for the proposed work;
- (6) Photographs showing the existing building or landscape condition;
- (7) Documentation pertaining to the proposal including archival photographs, pictures or plans of similarly styled buildings in the community; and
- (8) A signed statement by the owner authorizing the application.

§ 103-24. Application; demolition.

- A. Any person wishing to demolish or remove a building or structure on a property that is designated under part IV of the *Ontario Heritage Act* shall submit an application in writing to the Chief Planner and Executive Director, City Planning Division and shall supply the following information:
 - (1) The name, address, telephone number, fax number and e-mail address of the owner or the owner's authorized representative;
 - (2) A site plan or sketch showing the location of the proposed demolition or removal;
 - (3) Photographs showing the existing building condition including front and side elevations;
 - (4) A building condition assessment of the building or structure proposed to be demolished or removed; and
 - (5) A signed statement by the owner authorizing the application.

§ 103-25. Approval by Council.

Approval by Council is required for:

- A. An application to alter, renovate restore or erect a building, structure or heritage landscape on property designated under Part IV of the *Ontario Heritage Act*;
- B. An application to alter, renovate or restore any feature included in the reasons for designation in a designation by-law; and
- C. An application for demolition or removal of a building or structure on property designated under Part IV of the *Ontario Heritage Act*.

§ 103-26. Powers and duties of Chief Planner and Executive Director.

Despite § 103-25 the Chief Planner and Executive Director shall review or cause to be reviewed all applications under this Article and is authorized to:

- A. Approve applications for minor repairs alterations and improvements that maintain the heritage character of the property provided that:
 - (1) The local councillor has been consulted; and
 - (2) The alterations do not require the removal or alteration of architecturally significant portions of the building or structure; and
 - (3) The work is compatible with:
 - (i) Guidelines adopted by Council to assist in the preservation of heritage property;
 - (ii) Guidelines for heritage conservation issued by the Ontario Minister of Culture and the Government of Canada;
 - (iii) Parks Canada Standards and Guidelines for the Conservation of Historic places in Canada and provided that:
 - (4) The alterations, additions and changes to exterior elevations and features are not visible from a public right-of way or public park.
 - (5) The work is replacement where repair is not feasible and the replacement work utilizes the same types of materials as the original exterior heritage fabric.
 - (6) The façade or building restorations is consistent with historic documentation.
 - (7) The alterations address accessibility, life safety, mechanical and other applicable Building Code requirements.
- B. Approve applications for minor repairs, alterations and improvements where the owner has entered into a Heritage Easement Agreement provided that the proposed alterations are:
 - (1) Consistent with § 103-26A(1) to (7).
 - (2) Specified as permitted alterations in the Heritage Easement Agreement.
 - (3) Consistent with any conservation plan or guidelines specified in the Heritage Easement Agreement.
- C. Upon receipt of a completed application under § 103-23 serve a notice or receipt of application on the owner.

§ 103-27. Permits deemed to be issued.

- A. Despite § 103-25 and § 103-26 an application shall be deemed to have been made for work described in subsection B.
- B. A permit is deemed to be issued for the following alterations to the external portions of a building or structure located on property designated under Part IV of the *Ontario Heritage Act*.
- (1) Painting of wood, metal finishes or existing painted or new stucco in a colour that is complimentary to the architecture of the building or structure.
 - (2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used.
 - (3) Installation or repair of eavestroughs.
 - (4) Weatherproofing, including installation of removable storm windows and doors, caulking and weatherstripping.
 - (5) Installation of exterior lights provided that they are not affixed to any features that are included in the reasons for designation.
 - (6) Routine landscape maintenance that does not affect the integrity of the landscape as specified in the reasons for designation.

§ 103-28. Conditions.

- A. All permits shall be subject to the following conditions:
- (1) All work shall be carried out in accordance with the plans, specifications, documents and any other information that forms the basis upon which a permit is issued.
 - (2) Any material change to the plans, specifications, documents or other information that forms the basis upon which a permit is issued shall require a further application.
 - (3) The permit holder shall advise Heritage Preservation Services upon completion of the work.
 - (4) Such other terms and conditions as the Chief Planner and Executive Director deems necessary to maintain the heritage character of the property.

- B. Despite anything in this Article, Council shall retain all authority under Part IV of the *Ontario Heritage Act* and at any time prior to the issuance of a permit the local Councillor may, request in writing that the Chief Planner and Executive Director submit the heritage permit application to the appropriate Community Council and Council for consideration.
- C. This section does not apply to alterations for which a permit is deemed to be issued under § 103-27.
2. Chapter 103, Heritage, of The City of Toronto Municipal Code is amended by adding the following Article:

Article VI
Inspectors

§ 103-29. Appointment of Inspectors.

- A. Persons holding the following positions are authorized to carry out inspections of property designated or proposed to be designated under Parts IV and V of the *Ontario Heritage Act*:
- (1) Manager, Heritage Preservation Services.
 - (2) Heritage Co-ordinators.
 - (3) Preservation Officers.
 - (4) Preservation Assistants.

ENACTED AND PASSED this 28th day of October, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)