

Authority: Item CC38.16, as adopted by City of Toronto Council on August 5 and 6, 2009
Enacted by Council: August 6, 2009

CITY OF TORONTO

BY-LAW No. 687-2009

To delegate temporary authority to the Chief Planner and Executive Director 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*, and to give notice of intention to designate listed properties, until the next regular meeting of Council.

WHEREAS the *Ontario Heritage Act*, provides that upon receipt of an application to repeal a designating by-law or an application to alter or demolish a building or structure on properties designated under Parts IV and V of the *Ontario Heritage Act*, Council must either consent to or refuse the application and give notice of its decision within 90 days of receipt of the application or 90 days after notice of receipt of an application is served, as the case may be, or within such longer period of time as the applicant and Council may agree to, failing which Council shall be deemed to have consented to the application; and

WHEREAS the Ontario Heritage Act provides that the owner of a property listed on the City's Inventory of Heritage Properties shall not demolish or remove a building or structure on the property unless the owner gives Council at least 60 days written notice of the owner's intention to demolish or remove the building or structure, following which time the building or structure may be demolished if a notice of intention to designate has not been given by Council; and

WHEREAS no Council meetings are scheduled between July 8 and September 30, 2009; and

WHEREAS there may be applications to repeal designating by-laws or to demolish or alter buildings or structures that have been designated or listed under Parts IV or V of the *Ontario Heritage Act* that require a response from Council during the period of time when Council is not sitting; and

WHEREAS there may be no opportunity to consult with the Toronto Preservation Board or to seek Council authorization for any applications within the statutory response period; and

WHEREAS in the event that Council fails to respond and give notice within the statutory response period, Council will be deemed to have consented to such applications; and

WHEREAS this may result in the premature or unnecessary alteration or demolition of significant heritage buildings or structures; and

WHEREAS in order to avoid the expiry of statutory response periods and the consequent deemed approval of applications to alter or demolish heritage properties or applications to repeal designating by-laws, and to allow for the giving of notices of intention to designate listed properties that may be in danger of demolition, it is necessary to have a mechanism in place to deal with such applications until such time as Council is in a position to consider them; and

WHEREAS it is therefore, desirable to grant authority to the Chief Planner and Executive Director to consider and respond to such applications;

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

1. The Chief Planner and Executive Director is authorized to review and 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 or V of the *Ontario Heritage Act*, and to give notice of intention to designate listed properties until the next regular meeting of Council.

ENACTED AND PASSED this 6th day of August, A.D. 2009.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)