

Authority: Planning and Growth Management Committee Item 6.1,  
as adopted by City of Toronto Council on July 12, 13 and 14, 2011  
Enacted by Council: July 14, 2011

## CITY OF TORONTO

### BY-LAW No. 906-2011

**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, during Council's summer recess.**

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 in the case of applications to repeal designating by-laws and applications to alter properties designated under Part IV, 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 the last scheduled Council meeting before Council's 2011 summer recess commences on July 12, 2011 and the next regularly scheduled Council meeting following the next regularly scheduled meeting of the Toronto Preservation Board commences on September 21, 2011; 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 refuse applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV or V of the *Ontario Heritage Act*, that have not been considered by Council at or prior to the July 12, 2011 meeting of Council, unless, in the case of applications to repeal designating by-laws and applications to alter properties designated under Part IV, the owner agrees in writing to extend the statutory response period to allow Council to consider the application at its meeting of September 21, 2011 or a subsequent meeting.
2. The Chief Planner and Executive Director is authorized to give notice of intention to designate listed properties where a notice of intention to demolish the listed property has not been considered by Council at or prior to the July 12, 2011 meeting and where the 60 day notice period is still in effect.
3. This delegation of authority shall remain in place until September 1, 2011.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)