

Authority: Planning and Growth Management Committee Item 25.16,
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

CITY OF TORONTO

BY-LAW No. 1062-2013

To amend City of Toronto Municipal Code Chapter 103, Heritage, to provide delegated authority to the Chief Planner and Executive Director, City Planning Division, to make certain decisions under the *Ontario Heritage Act* during periods of time when Council does not have regularly scheduled meetings.

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 an application under Part IV or 90 days after notice of receipt of an application is served, in the case of an application under Part V, 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 during election periods, summer recess, periods of labour disruption or other circumstances where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings Council may be unable to consult with the Toronto Preservation Board or respond to notices and applications made under the *Ontario Heritage Act* 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 alteration or demolition of significant heritage buildings or structures; and

Whereas in order to preclude 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 during election periods, summer recess, periods of labour disruption or other circumstances where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings, and to allow for the giving of notices of intention to designate listed properties that may be at risk 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 when regularly scheduled meetings resume; and

Whereas it is therefore, desirable to grant authority to the Chief Planner and Executive Director to respond to such applications during election periods, summer recess, periods of labour

disruption or other circumstances where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings; and

Whereas Council has consulted with the Toronto Preservation Board;

The Council of the City of Toronto enacts:

1. Chapter 103, Heritage, is amended by adding the following as Article IX, Delegation:

ARTICLE IX
Delegation

§ 103-37. Delegation in effect.

The authority delegated to the Chief Planner and Executive Director under this article shall be in effect during any period of time where the regular meeting schedule for Council, Community Councils or the Toronto Preservation Board precludes Council from consulting with the Toronto Preservation Board and responding to notices and applications under the *Ontario Heritage Act* within legislated response periods including:

- A. Election periods;
- B. Summer Recess; and
- C. Periods of labour disruption.

§ 103-38. Delegation; refusal.

The Chief Planner and Executive Director shall refuse:

- A. Applications to repeal designating by-laws;
- B. Applications to erect, alter or demolish buildings or structures on properties designated under Part IV or Part V of the *Ontario Heritage Act*.

§ 103-39. Delegation; notice of intention.

The Chief Planner and Executive Director shall give notice of intention to designate listed properties where a notice of intention to demolish a listed property is received in accordance with § 103-36.

§ 103-40. Delegation; extension.

The Chief planner is authorized to agree to an extension of time under subsections 32(3) and 33(5) of the *Ontario Heritage Act*.

§ 103-41. Notice.

The City Clerk shall give notice of decisions made by the Chief Planner and Executive Director in accordance with § 162-4.1 of Chapter 162, Notice, Public.

§ 103-42. Report.

The Chief Planner and Executive Director shall report to City Council through the Toronto Preservation Board and Community Councils during the first regularly scheduled meeting cycle following any period of delegation with a list of applications and notices received and decisions made during the period of delegation.

Enacted and passed on July 19, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)