

Authority: Executive Committee Item EX24.2, as adopted by City of Toronto Council on April 26, 27 and 28, 2017 and Item CC1.1, as adopted by City of Toronto Council on December 4, 5 and 13, 2018

CITY OF TORONTO

BY-LAW 263-2019

To amend City of Toronto Municipal Code Chapter 103, Heritage, to make changes to the composition of the Heritage Toronto Board, Toronto Preservation Board and Community Preservation Panels, and committee references, and to update the Code Chapter.

Whereas Council approved certain changes to the composition of the Heritage Toronto Board at its meeting of April 26, 27 and 28, 2017; and

Whereas the City of Toronto Act, 2006 was amended to reduce the number of wards and ward councillors in the City of Toronto to 25 effective for the 2018 to 2022 Council term; and

Whereas the reduction in Council size necessitated Council approval of numerous changes to the composition of boards and committees, including Heritage Toronto, the Toronto Preservation Board and Community Preservation Panels; and

Whereas the decisions require amendment to Chapter 103, Heritage, of the City of Toronto Municipal Code and that Code Chapter requires updated numbering;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 103, Heritage, is deleted and replaced with Appendix 1 to this By-law.

Enacted and passed on January 31, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1

Chapter 103

HERITAGE

ARTICLE 1
Heritage Toronto

§ 103-1.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED FUNDS - Funds designated by a donor for a specific purpose.

GENERAL MANAGER - The City's General Manager of Economic Development and Culture.

HERITAGE TORONTO - The Toronto Historical Board.

MEMBER - A person appointed to the Board by Council.

TORONTO PRESERVATION BOARD - The Toronto Municipal Heritage Committee and its Community Preservation Panels.

UNDESIGNATED FUNDS - Operating funds allocated through the City's budget process or donated by members of the public for a non-specific purpose to be used for the general operations of Heritage Toronto.

§ 103-1.2. Name of Board.

The Toronto Historical Board shall be known as "Heritage Toronto" as continued under section 72 of the City of Toronto Act, 1997 (No. 2).

§ 103-1.3. Responsibilities.

Heritage Toronto shall be a local board and a body corporate having the following responsibilities:

- A. Provide advice from a community perspective to the City, civic organizations and members of the public regarding heritage issues.
- B. Promote and educate the public regarding heritage issues.
- C. Ensure that any privately donated funds received are applied to the specific purpose designated by the donor.
- D. Establish and manage publicity and public programs, including awards programs, respecting city-wide heritage issues and to otherwise promote public awareness of the City's heritage.

- E. Serve as a liaison with the heritage community and promote public awareness of the City's heritage resources.
- F. Serve as a focal point for volunteer sector groups.
- G. Assist and advise in the development of the Heritage Master Plan.
- H. Carry out such other duties relating to the City's history and development as the Council may assign.

§ 103-1.4. Membership; term; reappointment; vacancies; removal.

- A. Heritage Toronto Board shall be 23 members composed of:
 - (1) Mayor or designate appointed by the Mayor.
 - (2) One member of City Council.
 - (3) Twenty public members at large.
 - (4) One public member from the Aboriginal community.
- B. The persons appointed as members of Heritage Toronto shall hold office for a term consistent with the City's Public Appointments Policy.
- C. Members shall be eligible for reappointment.
- D. In the case of a vacancy for any cause, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.
- E. A member shall cease to be a member of Heritage Toronto if absent from three successive meetings of the Board without being authorized to do so by a resolution of Heritage Toronto entered in its minutes.

§ 103-1.5. Remuneration.

The members of Heritage Toronto shall serve without remuneration.

§ 103-1.6. Open meetings; quorum.

- A. All ordinary meetings of Heritage Toronto shall be open, and no person shall be excluded from a meeting except for improper conduct.
- B. A quorum shall consist of a simple majority of the members, excluding City Councillors who are members.

§ 103-1.7. Minutes; records.

Heritage Toronto shall keep minutes 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 Heritage Toronto shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.

§ 103-1.8. Officers; committees.

- A. Heritage Toronto shall, as soon as possible after the first meeting in each term, elect a Chair and other officers as determined by the Board.
- B. Heritage Toronto may establish committees to enlist public support for the work of Heritage Toronto.

§ 103-1.9. Frequency of meetings.

The Board shall meet at least four times in every calendar year and at any other time at the request of the Chair or a majority of the Board members.

§ 103-1.10. Budget; annual report.

- A. Heritage Toronto shall submit an annual budget of its estimated revenues and expenditures in a form satisfactory to the Chief Financial Officer and Treasurer, and, when money is provided by Council, the Chief Financial Officer and Treasurer shall pay out the money as Heritage Toronto may from time to time require.
- B. Immediately after the end of each year, Heritage Toronto shall submit its annual report to Council through the Audit Committee, including a complete audited and certified financial statement of its affairs, with a revenue and expense account, balance sheet and profit and loss statement, including private donations and the terms upon which any private donations were given during the preceding year.
- C. Quarterly variance reports shall be submitted to the City to explain any deviations from the approved budget.
- D. The City's external auditor shall be the Auditor of Heritage Toronto, and all books, documents, transactions, minutes and accounts of Heritage Toronto shall at all times be open to the Auditor's inspection.
- E. The cost of the audit shall be borne by Heritage Toronto.
- F. A copy of the audited statements shall be forwarded to the Audit Committee, the Chief Financial Officer and Treasurer, the Auditor General and the General Manager.
- G. Any designated funds shall be used by Heritage Toronto for the purpose specified by the donor.
- H. Heritage Toronto shall manage its operations within available financial resources and shall not incur a deficit on designated funds.
- I. In the event that Heritage Toronto incurs a deficit on undesignated funds, Council may require Heritage Toronto to adjust its operating budget, programs and activities to ensure that revenues and expenditures are financially sustainable.
- J. The City shall be responsible for the net operating deficits of Heritage Toronto.
- K. Heritage Toronto shall pay all net revenue from undesignated funds to the City.
- L. Any funds that are not designated shall be deemed to be undesignated funds.

§ 103-1.11. Legal obligations; management of property.

- A. Heritage Toronto shall not at any time act in a manner that is contrary to or inconsistent with any legal obligation of the City.
- B. Heritage Toronto shall not accept any donations of real property without the prior approval of Council which shall include the approval of the use and disposition of the property.
- C. The net proceeds of any real property transaction shall be retained by Heritage Toronto.
- D. Heritage Toronto shall adopt policies respecting sponsorships, naming rights and honourific names which are consistent with the policies adopted by Council.

§ 103-1.12. Conflicting provisions; conflicts of interest.

- A. To the extent of any conflict between this article and any by-laws of the former municipalities, this article prevails.
- B. To the extent of any conflict between this article and Article 2, Preservation Board; Community Local Architectural Conservation Advisory Committee Panels, Article 2 prevails.
- C. No member of Heritage Toronto nor any member of Council shall have any contract with Heritage Toronto or be monetarily interested, directly or indirectly, in any contract or work relating to the operations or functions of the Board.

ARTICLE 2
Preservation Board; Community Preservation Panels

§ 103-2.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT - The Ontario Heritage Act, R.S.O. 1990, c. O.18.

BOARD - The Toronto Preservation Board established under § 103-2.2A.

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division.

COMMUNITY COUNCIL - A committee of Council established under section 7 of the City of Toronto Act, 2006.

HERITAGE EASEMENTS OR COVENANTS - An easement agreement or covenant between the City of Toronto and owners of real property, or interests in real property, for the conservation of buildings of historic or architectural value or interest.

HERITAGE PROPERTIES - Properties which are of historic or architectural value or interest.

INVENTORY OF HERITAGE PROPERTIES - A list which identifies the City's built cultural heritage.

LISTED - Listed on the City of Toronto's Inventory of Heritage Properties, and "listing" has a corresponding meaning.

PANEL - A community preservation panel established under § 103-2.3A.

PROPERTY - Real property and includes all buildings and structures on the property.

STAFF - Employees of the City of Toronto.

§ 103-2.2. Toronto Preservation Board.

- A. A municipal heritage committee to be known as the "Toronto Preservation Board" (the "Board") is established.
- B. Composition; qualifications.
 - (1) The Board shall consist of the Chair or designate of each panel, seven public members to be appointed by Council and one member of Council.
 - (2) The public members appointed shall possess special interests or knowledge that will assist the Board in fulfilling its responsibilities, such as expertise in architecture, archaeology, planning, landscape architecture, local history, natural heritage, land development and law.
 - (3) The members shall hold office until their successors are appointed.
 - (4) Where a vacancy occurs for any reason, Council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which the predecessor was appointed.
 - (5) Despite Subsection B(3), a member who is absent for three consecutive meetings without reasonable excuse may be subject to removal from office.
- C. The Board shall, with the assistance of staff, advise and assist Council on all matters relating to Parts IV and V of the Act, including:
 - (1) Designation of individual heritage properties and heritage conservation districts and inclusion of properties on the Inventory of Heritage Properties;
 - (2) Applications to alter, demolish or remove properties included on the Inventory of Heritage Properties;
 - (3) Applications to repeal by-laws which designate individual properties as heritage properties;
 - (4) Authorizing entering into heritage easements or covenants;
 - (5) The Inventory of Heritage Properties;
 - (6) The criteria and process for inclusion of properties on the Inventory of Heritage Properties;
 - (7) Cultural heritage landscape issues respecting properties on the Inventory of Heritage Properties;
 - (8) Grants for the preservation of heritage properties; and
 - (9) Such other duties relating to heritage preservation issues as may be assigned to it by Council.

- D. The Board shall advise Council through the City's Planning and Housing Committee or its successor committee on City-wide heritage preservation matters set out in this article and through community councils on local heritage issues.
- E. Budget proposal; operating expenditures.
- (1) The Board shall submit, at a time satisfactory to the Chief Planner, an annual budget proposal.
 - (2) The Board shall not make or incur liability for any operating expenditure.
- F. The persons appointed to the Board, with the exception of members of Council, shall hold office for a maximum of two consecutive terms.
- G. Organization; meetings.
- (1) The Board shall, as soon as possible after the first meeting in each term, elect a Chair and Vice Chair.
 - (2) The Board shall meet at least 10 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) Minutes and records.
 - (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 Chief Planner as soon as possible after each meeting.
 - (4) A majority of the members of the Board, excluding members of Council, constitutes a quorum of the Board.
- H. The Board shall ensure that programs operated by the Board comply with City policies including access, equity and anti-racism.

§ 103-2.3. Community Preservation Panels.

- A. A community preservation panel is established for each area represented by a community council.
- B. Composition.
- (1) Each panel shall consist of a minimum of five and a maximum of 15 public members.
 - (2) The panel members shall be nominated by community council.
 - (3) Panel members shall possess special interests or knowledge that will assist the panel in fulfilling its responsibilities.

- C. Within its geographical area, each panel may:
- (1) Recommend properties within the local community which should be considered by the Board for inclusion on the Inventory of Heritage Properties;
 - (2) Monitor heritage properties, including those properties at risk, for review and discussion by the Board;
 - (3) Research into properties being proposed for inclusion on the Inventory of Heritage Properties, public programs and other preservation-related issues;
 - (4) Provide for public awareness and promotion of issues relating to heritage properties, in co-operation with Heritage Toronto and other heritage groups, as required;
 - (5) Promote neighbourhood heritage and history;
 - (6) Arrange to erect plaques or markers, or both, on community sites of local interest;
 - (7) Provide for local community activities recognizing the efforts of citizens to protect, preserve or promote heritage properties;
 - (8) Co-ordinate related heritage activities with local museums, societies, the Toronto District School Board and similar organizations within the community (responsibility shared with the Board);
 - (9) Advocate, in co-operation with Heritage Toronto and other community heritage organizations, as required;
 - (10) Undertake such other duties relating to heritage preservation issues as may be assigned to it by Council;
 - (11) Report to the Toronto Preservation Board.
- D. The persons appointed to a panel shall hold office for a maximum of two consecutive terms.
- E. Despite Subsection D, a public member of a panel who served during the 2004-2006 term may serve for more than two consecutive terms.
- F. Organization; meetings; quorum.
- (1) Each panel shall, as soon as possible after the first meeting in each term, elect a 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 the panel or at the call of the Chair. Proper notice of panel meetings shall be given to each member of Council whose ward is located within the relevant community council area, not less than 7 days before the meeting date, with notice to include the agenda for the meeting, if any.

- (3) Minutes and records.
 - (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, members of Council whose wards are located within the relevant community council area, the City Clerk and the Chief Planner as soon as possible after each meeting.
 - (4) Where a vacancy occurs for any reason, community council shall recommend appointing a person qualified to be a member, who shall hold office for the remainder of the term for which the predecessor was appointed.
 - (5) Members shall hold office until their successors are appointed.
 - (6) A majority of the members of a panel constitutes a quorum of the panel.
 - (7) Despite Subsection F(5), a member who is absent for three consecutive meetings without reasonable excuse may be subject to removal from office.
 - (8) Members of Council may attend all meetings of the Community Preservation Panel.
- G. The panels shall ensure that programs operated by each panel comply with City policies respecting access, equity and anti-racism.

§ 103-2.4. Conflicting provisions.

To the extent of any conflict between this article and any by-laws of the former municipalities, this article prevails.

ARTICLE 3

Heritage Permits in Heritage Conservation Districts

§ 103-3.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHIEF PLANNER AND EXECUTIVE DIRECTOR - The City's Chief Planner and Executive Director, City Planning Division.

GUIDELINES - Guidelines adopted by Council or the council of a former municipality to assist in the preservation of the historic and architectural character of a heritage conservation district.

HERITAGE CONSERVATION DISTRICT - A heritage conservation district established under Part V of the Ontario Heritage Act.

HERITAGE PERMIT - A permit issued by or on behalf of Council under section 42 of the Ontario Heritage Act.

§ 103-3.2. Application for permit; permits deemed to be issued.

- A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, or to alter the external portions of such a building or structure, shall submit an application in writing on a form prescribed by the Chief Planner and Executive Director and shall supply any other information relating to the application as required by the Chief Planner and Executive Director.
- B. Despite Subsection A, an application shall be deemed to have been made for work described in Subsection C.
- C. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a heritage conservation district:
 - (1) Painting of wood, stucco or metal finishes.
 - (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 of eavestroughs.
 - (4) Weatherproofing, including installation of removable storm windows and doors, caulking, and weatherstripping.
 - (5) Installation of exterior lights.
 - (6) An alteration that is not visible from a street.

§ 103-3.3. Compatibility with guidelines.

- A. The Chief Planner and Executive Director shall issue a heritage permit on behalf of Council if the work proposed in an application received under § 103-3.2A is compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken.
- B. Despite Subsection A, Council shall retain all powers and authority under Part V of the Ontario Heritage Act, and at any time prior to the issuance of a heritage permit, the ward councillor may, in writing, request the Chief Planner and Executive Director to submit a permit application to the appropriate community council and to Council for consideration.
- C. A permit issued under Subsection A shall be issued subject to the following conditions:
 - (1) That the permit holder not make any material change to a plan, specification, document or other information that forms the basis on which the permit was issued without making a further application under § 103-3.2A.
 - (2) That the permit holder carry out the work in accordance with the plans, specifications, documents and any other information that form the basis on which the permit was issued.

- D. If the work proposed in an application is not compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken, the Chief Planner and Executive Director shall submit the application to the appropriate community council and to Council for consideration.
- E. This section shall not apply to alterations for which a heritage permit is deemed to be issued under § 103-3.2C.

§ 103-3.4. Extension of time limits.

The Chief Planner and Executive Director is authorized to agree to the extension of any time limit within which Council must make a decision on an application under Part V of the Ontario Heritage Act provided that:

- A. The applicant is in agreement with the extension.
- B. The local councillor has been consulted.

ARTICLE 4
Heritage Permits for Designated Property

§ 103-4.1. 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.

§ 103-4.2. 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.

§ 103-4.3. 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.

§ 103-4.4. Powers and duties of Chief Planner and Executive Director.

Despite § 103-4.3 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:
 - (a) Guidelines adopted by Council to assist in the preservation of heritage property;
 - (b) Guidelines for heritage conservation issued by the Ontario Minister of Culture and the Government of Canada;
 - (c) 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 Subsection A(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 § 103-4.1 serve a notice of receipt of application on the owner.
- D. Agree to the extension of any time limit within which Council must make a decision on an application under Part IV of the Ontario Heritage Act provided that:
- (1) The applicant is in agreement with the extension.
 - (2) The local councillor has been consulted.

§ 103-4.5. Permits deemed to be issued.

- A. Despite §§ 103-4.3 and 103-4.4 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.

§ 103-4.6. 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 § 103-4.5.

ARTICLE 5
Inspectors

§ 103-5.1. 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.
- B. The persons authorized to carry out inspections under Subsection A may be accompanied by a person who has special or expert knowledge in relation to the property.

ARTICLE 6
Heritage Property Tax Rebate Program

§ 103-6.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT - The Ontario Heritage Act, R.S.O. 1990, c. O.18.

ADDITIONAL ELIGIBILITY CRITERIA - The criteria as set out in § 103-6.3 that must be met in order for a property to qualify as an eligible heritage property.

APPLICANT - An owner or a person authorized by an owner to submit a heritage property tax rebate application on behalf of the owner.

APPLICATION PROCESS - The two step process, inclusive of a project proposal and heritage property tax rebate application, in accordance with § 103-6.7.

CONTRIBUTING RESOURCE - A property or feature within a heritage conservation district that is deemed to contribute to the cultural heritage value and character of the district, as identified in the heritage conservation district plan.

ELIGIBLE HERITAGE PROPERTY - A property or portion of a property that:

- A. Is designated under Part IV of the Act or Part V of the Act; and
- B. Complies with the additional eligibility criteria set out in § 103-6.3; and
- C. Is subject to:
 - (1) A heritage easement agreement with the City under section 37 of the Act; or
 - (2) A heritage easement agreement with the Ontario Heritage Trust under section 22 of the Act; or
 - (3) A maintenance and conservation agreement with the City under section 334 of the City of Toronto Act.

ELIGIBLE COSTS - Costs that are:

- A. Incurred by an owner for the undertaking of eligible maintenance and conservation work and approved by the manager in a statement of authorized eligible expenses; and
- B. Equivalent to no less than 20 percent of the property tax for the eligible heritage property in the year for which a heritage property tax rebate is applied for.

ELIGIBLE MAINTENANCE AND CONSERVATION WORK - Work approved in a statement of authorized eligible expenses that is required to repair, restore, preserve, rehabilitate and stabilize the identified heritage attributes of an eligible heritage property as well as any of the following structural elements that support or protect identified heritage attributes: exterior walls and facades, roofs, foundations, chimneys, exterior stairs, windows and doors, in accordance with § 103-6.4.

GROSS FLOOR AREA - The sum of the total area of each floor level, above and below the ground, measured from the exterior of the main wall of each floor level of a building or structure.

HERITAGE ATTRIBUTES - Those portions of an eligible heritage property that contribute to its cultural heritage value or interest, and that are identified in:

- A. A designation by-law under Part IV of the Act; or
- B. A heritage easement agreement; or
- C. A maintenance and conservation agreement; or
- D. A heritage conservation district plan under Part V of the Act.

HERITAGE CONSERVATION DISTRICT - A geographically defined area designated under Part V of the Act.

HERITAGE EASEMENT AGREEMENT - A registered agreement entered into under section 22 or section 37 of the Act.

HERITAGE PERMIT:

- A. A permit issued by Council under section 42 of the Act; or
- B. The consent of Council given under section 33(1) of the Act.

HERITAGE PROPERTY TAX REBATE APPLICATION - The second step in the application process as set out in § 103-6.10.

HERITAGE PROPERTY TAX REBATE - A property tax rebate in respect of an eligible heritage property issued in accordance with this article.

MANAGER - The manager of Heritage Preservation Services.

MAINTENANCE AND CONSERVATION AGREEMENT - A registered agreement for the maintenance and conservation of eligible heritage properties under section 334(2)(c) of the City of Toronto Act.

OWNER - The registered owner of an eligible heritage property.

PROJECT PROPOSAL - The first step of the application process as set out in § 103-6.7.

PROPERTY TAX - The annual taxes levied on a property for municipal and school purposes that are attributable to the eligible heritage property, and the land used in connection with the eligible heritage property, as determined by the City.

STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA - The Standards and Guidelines for the Conservation of Historic Places in Canada as adopted by Council and as amended from time to time.

STATEMENT OF AUTHORIZED ELIGIBLE EXPENSES - A statement issued by the manager in accordance with § 103-6.8.

§ 103-6.2. Heritage property tax rebate.

- A. The heritage property tax rebate in respect of an eligible heritage property designated under Part IV of the Act shall be a maximum annual rebate of 40 percent of the property tax within an application year subject to:
- (1) A maximum rebate of 50 percent of the eligible costs; and
 - (2) An annual cap of \$500,000 or such other amount as may be approved by Council through the annual budget process for the City Planning Division.
- B. The heritage property tax rebate in respect of an eligible heritage property designated under Part V of the Act shall be a maximum rebate of 40 percent of the property tax subject to:
- (1) A maximum rebate of 50 percent of the eligible costs;
 - (2) An annual cap of \$50,000 or such other amount as may be approved by Council through the annual budget process for the City Planning Division; and
 - (3) A maximum availability of two consecutive years within the term of a five year maintenance and conservation agreement.

§ 103-6.3. Additional eligibility criteria.

In order for a property to qualify as an eligible heritage property the following additional eligibility criteria must be met:

- A. A property designated under Part IV of the Act must be a commercial or industrial class property as prescribed under the Assessment Act, R.S.O. 1990, c. A.31, with a minimum of 50 percent of the current value assessment applied to the calculation of commercial or industrial taxes.
- B. A property designated under Part V of the Act must be a contributing resource within the commercial or industrial class as prescribed under the Assessment Act, with a minimum of 50 percent of the current value assessment applied to the calculation of commercial or industrial taxes.
- C. Eligible maintenance and conservation work undertaken in the year for which a heritage property tax rebate is applied for must be equivalent to no less than 20 percent of the property tax for the eligible heritage property.
- D. The designated property, including all facades facing a street or open space and at least 50 percent of the gross floor area related to or supporting the heritage attributes must be retained.
- E. A building or structure related to or supporting heritage attributes must not have been:
- (1) Substantially or completely disassembled; or
 - (2) Substantially or completely reconstructed; or
 - (3) Relocated from its original property.

- F. Where an application is related to development, interior or exterior structural alterations, or any alterations affecting the structure or gross floor area of an eligible heritage property:
 - (1) 50 percent of the existing gross floor area related to, or supporting the heritage attributes must be retained; and
 - (2) 50 percent of the existing exterior walls, plus all facades facing a right of way or open space must be retained as exterior walls.
- G. The property must be subject to the payment of taxes and not a payment in lieu of tax.
- H. The property must be in compliance with the heritage easement agreement or maintenance and conservation agreement and all applicable legislation, building and zoning by-laws.
- I. The property must not be subject to any work orders, deficiency notices, outstanding accounts, fines, arrears of taxes, fees or penalties.
- J. Where a property is eligible for a property tax rebate under any other City program, the amount of any such rebates received by the owner shall be deducted from the property tax prior to the calculation of the heritage property tax rebate.

§ 103-6.4. Eligible maintenance and conservation work.

Eligible maintenance and conservation work must be approved in a statement of authorized eligible expenses under § 103-6.8 prior to commencement of the work and subject to Schedule A of this chapter, includes the following:

- A. Work required to repair, restore and preserve an eligible heritage property.
- B. Restoration of lost historic features of an eligible heritage property where sufficient documentary evidence exists to replace the lost features with new elements that match the lost features in form, materials, and detailing.
- C. Engineering or architectural drawings and studies focused on conservation, provided that such studies are required to direct the eligible maintenance and conservation work and provided that the related eligible maintenance and conservation work is undertaken and completed to the satisfaction of the manager.

§ 103-6.5. Compliance with plans, standards and guidelines.

- A. Eligible maintenance and conservation work must be consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada (2010) and must comply with all additional requirements of the heritage property tax program as set out in this article.
- B. Where an eligible heritage property is within a heritage conservation district, eligible maintenance and conservation work must be in compliance with the in-force heritage conservation district plan and associated guidelines.

§ 103-6.6. Excluded work.

Eligible maintenance and conservation work does not include:

- A. The types of work set out in Schedule A.
- B. Any work resulting from the types of work set out in Schedule A.
- C. Any work commenced prior to the issuance of a statement of authorized eligible expenses in accordance with § 103-6.8.

§ 103-6.7. Application process, step one; project proposal.

An owner or applicant wishing to apply for a heritage property tax rebate shall submit the following information to the satisfaction of the manager by August 31 in the calendar year in which the proposed work will be completed:

- A. A completed project proposal form and supporting documents including:
 - (1) Name, address, telephone number, fax number and e-mail address of the owner and applicant;
 - (2) Municipal address of the eligible heritage property;
 - (3) Total current value assessment of the eligible heritage property for the taxation year to which the application applies, including confirmation that a minimum of 50 percent of the current value assessment is applied to the calculation of commercial or industrial taxes;
 - (4) Total property tax levied on the property for the taxation year to which the application applies and a copy of the most recent tax bill for the property;
 - (5) A copy of any registered heritage easement agreement or maintenance and conservation agreement or a letter requesting approval to enter into a heritage easement agreement or maintenance and conservation agreement;
 - (6) Photographs of the eligible heritage property in its current state;
 - (7) A scope of work for the proposed eligible maintenance and conservation work;
 - (8) Detailed specifications of all proposed eligible maintenance and conservation work;
 - (9) Complete architectural plans and elevations for proposed eligible maintenance and conservation work that involves development, interior or exterior structural alterations, or any alterations affecting the structure or gross floor area of the eligible heritage property, documenting compliance with § 103-6.3F;
 - (10) Detailed cost estimates for all proposed eligible maintenance and conservation work, detailed by each specialized trade and/or type of work.

§ 103-6.8. Approval of project proposal; statement of authorized eligible expenses.

Upon approval of a project proposal by the manager, the manager will issue a statement of authorized eligible expenses indicating what proposed work and material costs constitute eligible maintenance and conservation work and eligible costs.

§ 103-6.9. Completion of project proposal.

- A. All eligible maintenance and conservation work must be completed in accordance with the statement of authorized eligible expenses, the requirements of the Act, including the obtaining of all required building permits, the heritage easement agreement or maintenance and conservation agreement, and all other requirements of the heritage property tax rebate program as provided for in this article, to the satisfaction of the manager.
- B. In the event that the eligible maintenance and conservation work cannot be completed as approved in the statement of authorized eligible expenses, provided that the eligible maintenance and conservation work has not commenced, the manager may issue a revised statement of authorized eligible expenses based on the submission of a revised scope of work to the satisfaction of the manager.

§ 103-6.10. Application; step two; heritage property tax rebate application; approval.

Upon completion of the eligible maintenance and conservation work in accordance with § 103-6.9, an owner or applicant wishing to apply for a heritage property tax rebate shall submit the following information to the satisfaction of the manager, no later than the last day of February in the year following the year for which the owner is requesting a heritage property tax rebate:

- A. A completed heritage property tax rebate form.
- B. If not previously submitted, a copy of the heritage easement agreement or maintenance and conservation agreement, or an acknowledgment that the required heritage easement agreement or maintenance and conservation agreement shall be registered prior to issuance of any heritage property tax rebate.
- C. A copy of the statement of authorized eligible expenses.
- D. A copy of the property tax bill for the year in which the eligible maintenance and conservation work was completed with proof of payment.
- E. Photographs of the eligible heritage property showing the completed eligible maintenance and conservation work.
- F. Invoices for the eligible maintenance and conservation work completed within the previous tax year, marked as paid, with a breakdown of costs by each skilled trade and/or type of work.
- G. A certificate of insurance showing that the eligible heritage property is insured in accordance with the heritage easement agreement or the maintenance and conservation agreement.

§ 103-6.11. Approval of heritage property tax rebate application.

The manager will issue instructions to Revenue Services to process the heritage property tax rebate upon:

- A. Verification that the eligible maintenance and conservation work has been completed in accordance with the statement of authorized eligible expenses and all additional requirements of the heritage property tax program as set out in this article, to the satisfaction of the manager.
- B. Submission of a copy of the heritage easement agreement or maintenance and conservation agreement with registration particulars if not previously submitted.
- C. Receipt of the owner's acknowledgement in writing that the heritage property tax rebate as determined in accordance with this article is in full satisfaction of the heritage tax rebate for the applicable year.
- D. Submission, if requested, of written confirmation from a qualified heritage consultant that the authorized eligible maintenance and conservation work has been completed in accordance with the requirements of the statement of authorized eligible expenses.

§ 103-6.12. Authorization.

The owner of an eligible heritage property may retain the benefit of any heritage property tax rebate despite the provision of any lease or other agreement relating to the eligible heritage property, or may authorize the City, in writing, to pay the heritage property tax rebate to a lessee of the eligible heritage property.

§ 103-6.13. Penalties.

- A. The owner of an eligible heritage property shall repay all or any part of the heritage property tax rebate, as determined by the City, where there are outstanding work orders, municipal fines, arrears of taxes, fees or penalties assessed against the owner.
- B. If the owner of an eligible heritage property who has received a heritage property tax rebate alters, demolishes or removes the eligible heritage property in breach of the requirements of the Act, or breaches the terms of a heritage easement agreement or maintenance and conservation agreement, the owner shall repay all or part of the heritage property tax rebate, as determined by the manager.
- C. The owner of an eligible heritage property shall pay interest on the amount of any repayment required under Subsections A or B at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the bank listed in Schedule I of the Bank Act (Canada) calculated from the date the heritage property tax rebate was issued.

§ 103-6.14. Delegation.

The Chief Planner and Executive Director is authorized to negotiate and sign heritage easement agreements and maintenance and conservation agreements entered into for purposes of compliance with the requirements of this article.

§ 103-6.15. Program in effect.

The heritage property tax rebate program shall continue at the pleasure of Council and may be terminated at any time, without prior notice.

**ARTICLE 7
Listed Properties**

§ 103-7.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

INVENTORY OF HERITAGE PROPERTIES - The City's official register of properties that are of cultural heritage value or interest.

LISTED PROPERTIES - Properties included in the Inventory of Heritage Properties that have not been designated but that Council considers to be of cultural heritage value or interest.

§ 103-7.2. Application; demolition; listed property.

- A. Any person wishing to demolish or remove a building or structure on a listed property shall provide at least 60 days' notice of intention to demolish in the prescribed form to the Chief Planner and Executive Director, City Planning Division and shall supply the following information:
- (1) A completed Notice of Intention to Demolish a Listed Building in the prescribed form signed by the owner or the owner's representative, authorized in writing;
 - (2) A site plan or sketch showing the location of the proposed demolition or removal;
 - (3) Photographs showing the existing building condition including front, side and rear elevations.
- B. The sixty-day notice period shall commence upon submission of the information required in Subsection A to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

**ARTICLE 8
Delegation**

§ 103-8.1. 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.

§ 103-8.2. 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.

§ 103-8.3. 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 § 103-7.2.

§ 103-8.4. 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.

§ 103-8.5. 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.

§ 103-8.6. 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.

SCHEDULE A

- A. New construction that is not restoration;
- B. Electrical and wiring;
- C. Plumbing and sprinklers;
- D. Heating, air conditioning and ventilation;
- E. New windows, doors and fixtures except when restoring historic features that are lost, but for which sufficient documentary evidence exists to replace the lost features with new elements that match the lost features in form, materials, and detailing;
- F. Carpeting;
- G. Window treatments;
- H. Furniture or chattels;
- I. Decks;
- J. Demolition;
- K. Building moving;
- L. Additions of new features, fixtures or fittings;
- M. Waterproofing or underpinning;
- N. Landscaping, fencing or paving not associated with the restoration or maintenance of heritage attributes or features;
- O. Lighting;
- P. Signage;
- Q. Financing, acquisition or leasing costs;
- R. Upgrades for accessibility, thermal performance or compliance with the Ontario Building Code;
- S. Development feasibility studies;
- T. Heritage studies required as part of an agreement or development application under the Planning Act.

- U. Work required by the City of Toronto in accordance with:
- (1) An agreement under section 37 of the Planning Act;
 - (2) An existing zoning by-law amendment or required as a condition of zoning by-law approval; or
 - (3) Secured in a heritage easement agreement.