

Authority: Planning and Housing Committee
Item PH17.11, as adopted by City of Toronto Council on
October 27, 28 and 30, 2020 and Section 169-5.2B of the
City of Toronto Municipal Code Chapter 169, Officials,
City

CITY OF TORONTO

BY-LAW 670-2021

To amend City of Toronto Municipal Code Chapter 103, Heritage, to enable the Chief Planner to negotiate and sign heritage easement agreements, to agree to extensions of statutory timelines where permitted under the Ontario Heritage Act and other administrative decision making powers; to direct that all reports recommending designation of a property under Part IV of the Ontario Heritage Act report to Planning and Housing Committee, in consultation with the Toronto Preservation Board; and to identify application requirements for applications made under the Ontario Heritage Act.

Whereas the Ontario Heritage Act was amended by Bill 108, More Homes, More Choices Act, 2019, S.O. 2019, c. 9 and such amendments have come into force and effect; and

Whereas the province of Ontario has enacted Ontario Regulation 385/21: General under the Ontario Heritage Act; and

Whereas Chapter 169, Officials, City, authorizes the City Solicitor to submit bills directly to Council to make technical amendments to the Municipal Code to update the by-laws to refer to the current statute, City official title, administrative unit and Municipal Code provisions; and

Whereas Council has authorized amendments to City of Toronto Municipal Code, Chapter 103, Heritage, to enable the Chief Planner to negotiate and sign heritage easement agreements, to agree to extensions of statutory timelines where permitted under the Ontario Heritage Act and other administrative decision making powers; and

Whereas Council has authorized amendments to City of Toronto Municipal Code, Chapter 103, Heritage, to direct that all reports recommending designation of a property under Part IV of the Ontario Heritage Act report to Planning and Housing Committee, in consultation with the Toronto Preservation Board; and

Whereas Council has authorized amendments to City of Toronto Municipal Code, Chapter 103, Heritage, to identify application requirements for applications made under the Ontario Heritage Act;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-1.2 is deleted and replaced with the following:

§ 103-1.2. Name of Board.

The Toronto Historical Board shall be known as "Heritage Toronto" as continued under Section 415 of the City of Toronto Act, 2006.

2. City of Toronto Municipal Code Chapter 103, Heritage, Article 2, Section 103-2.1. Definitions, is amended as follows:
- (a) in the definition of "Act", the word "the" is deleted before the words "Ontario Heritage";
 - (b) in the definition of "Chief Planner", the words "or their designate" is added to the definition;
 - (c) in the definition "Heritage Easements or Covenants", the words "buildings of historic or architectural" after the words "conservation of" are deleted and replaced with "property of cultural heritage" before the words "value or interest";
 - (d) in the definition of "Heritage Properties", the words "historic or architectural" after the words "are of" are deleted and replaced with "cultural heritage" before the words "value or interest"; and
 - (e) the definitions of "Inventory of Heritage Properties" and "Listed" are deleted and replaced with the following:

HERITAGE REGISTER - The City's official register of Heritage Properties that are of cultural heritage value or interest.

LISTED – Heritage Properties listed on the City of Toronto's Heritage Register, and "listing" has a corresponding meaning.

3. City of Toronto Municipal Code Chapter 103, Heritage, Article 2, Section 103-2.2. Toronto Preservation Board and Section 103-2.3. Community Preservation Panels are amended as follows:
- (a) reference to the words "Inventory of Heritage Properties" in this Article are deleted and replaced with words "Heritage Register";
 - (b) 103-2.2C(4) is deleted and replaced with the following:
 - (4) Authorizing the Chief Planner to negotiate, and execute heritage easements or covenants on behalf of the City;
 - (c) 103-2.2C(7) is amended by deleting the word "respecting" after the words "landscape issues" and replacing it with the words "in respect of" before "properties on";

- (d) 103-2.2C(8) is deleted and replaced with the following:
 - (8) Grants for the conservation of Heritage Properties; and
 - (e) the word "preservation" in Sections 103-2.2C(9), 103-2.2D, and 103-2.3C(3) is deleted and replaced with the word "conservation".
4. City of Toronto Municipal Code Chapter 103, Heritage, Article 3, the Title and Section 103-3.1. Definitions are deleted and replaced with the following:

ARTICLE 3

Heritage Permits in Heritage Conservation Districts (Part V of the Ontario Heritage Act)

§ 103-3.1. Definitions.

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

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

APPLICATION - An application made under Part V of the Act by the Applicant.

APPLICANT - An owner or a person authorized by an owner to submit an Application on behalf of the owner.

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

GUIDELINES - Guidelines adopted by Council or the council of a former municipality to assist in the conservation of cultural heritage value of interest of a heritage conservation district. For clarity, a reference to Guidelines is not a reference to the Heritage Conservation District Plan.

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

HERITAGE CONSERVATION DISTRICT PLAN - A heritage conservation district plan adopted pursuant to Section 41.1 of the Act.

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

5. City of Toronto Municipal Code Chapter 103, Heritage, Article 3, Section 103-3.2A is deleted and replaced with the following new Section 103-3.2A and B:
- 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 shall supply any other information relating to the Application as deemed necessary by the Chief Planner for the administration of

this chapter and the Act. Such application shall include the following information:

- (1) the Application Form prescribed by the Chief Planner including, but not limited to the following:
 - (a) The name, address, telephone number, and e-mail address of the owner and, if applicable, the owner's authorized representative;
 - (b) A legal description of the Property that is the subject of the application, including such information as the concession and lot numbers (if applicable), reference plan and part numbers, and street names and numbers and Property Identification Number (PIN) and up to date survey;
 - (c) Any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) Whether the Property is subject to a designation under any other part of the Act; and
 - (e) The date of construction of all buildings or structures on the Property;
- (2) A site plan or sketch showing the location of the proposed work on the Property, including the location of each existing building(s) or structure(s), including landscape features;
- (3) A statement of the proposed scope of work;
- (4) Drawings and written specifications of the Property's building(s) or structure(s) proposed to be altered, removed, demolished or erected on the Property, including, but not limited to materials, colours, dimensions, massing and extent of the work;
- (5) A written description of the Property within the Heritage Conservation District;
- (6) A written description of the proposed works including explanations of:
 - (a) the extent of the proposed works;
 - (b) the reasons for the proposed alteration, removal, demolition of the existing building(s) or structure(s) including landscape features on the Property;
 - (c) the proposed works in the heritage conservation district and that such proposed works are not contrary to the objectives of the relevant Heritage Conservation District Plan or conflict with the relevant Heritage Conservation District Plan;

- (d) the conservation of the cultural heritage value or interest of the relevant Heritage Conservation District and relevant Heritage Conservation District Plan;
 - (e) if applicable, whether the proposed works are compatible with the Guidelines for the Heritage Conservation District and conserve the cultural heritage value or interest of the Heritage Conservation District; and
 - (f) any mitigation measures that are being proposed to avoid, minimize or reduce any negative impacts on the cultural heritage value or interest of the Property as part of the Heritage Conservation District;
 - (7) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features of the Property;
 - (8) Documentation pertaining to the proposed works, including archival photographs, pictures or plans of similarly styled buildings in the Heritage Conservation District, that have not been altered contrary to the relevant Heritage Conservation District and Heritage Conservation District Plan or Guidelines, as applicable;
 - (9) All technical cultural heritage and/or engineering studies that are relevant and required, as determined by the Chief Planner, to the proposed alteration, demolition, removal or erection on the Property situated within a Heritage Conservation District;
 - (10) A signed statement by the owner authorizing the Application;
 - (11) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property; and
 - (12) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate; and
- B. Upon receipt of a complete application under Subsection A, the Chief Planner shall serve a notice of receipt of application on the owner.
6. City of Toronto Municipal Code Chapter 103, Heritage, Article 3, Section 103-3.2 is renumbered and amended as follows:
- (a) former Section 103-3.2B, is renumbered to be Section 103-3.2C, and the reference to "Subsection C" is deleted and replaced with reference to "Subsection D"; and
 - (b) former Section 103-3.2C, is renumbered to be Section 103-3.2D.

7. City of Toronto Municipal Code Chapter 103, Heritage, Article 3, Section 103-3.3 is amended as follows:

- (a) the title of Section 103-3.3 and Section 103-3.3A are deleted and replaced with the following:

§ 103-3.3. Compatibility with Guidelines and Heritage Conservation District Plan.

- A. The Chief Planner shall issue a heritage permit on behalf of Council if the alterations proposed in an Application received under § 103-3.2A do not conflict with Heritage Conservation District Plan and is not contrary to the objectives of the Heritage Conservation District Plan, or is compatible with the Guidelines, which apply in the Heritage Conservation District in which the alterations are proposed to be undertaken;
- (b) in Section 103-3.3B the words "Ontario Heritage Act" are replaced with the word "Act" and the words "Chief Planner and Executive Director" are replaced with the words "Chief Planner";
- (c) in Section 103-3.3C the word "work" after the words "carry out the" is deleted and replaced with the word "alterations" before the words "in accordance";
- (d) Section 103-3.3D is deleted and replaced with the following:
- D. If the alterations proposed in an Application do conflict with Heritage Conservation District Plan, are contrary to the objectives of the Heritage Conservation District Plan, or are not compatible with the Guidelines, which apply in the Heritage Conservation District in which the alterations are proposed to be undertaken, the Chief Planner shall submit recommendations on the Application to the Toronto Preservation Board, appropriate community council and to Council for consideration; and
- (e) Section 103-3.4. Extension of time limits is deleted and replaced with new Sections 103-3.4 and 103-3.5 as follows:

§ 103-3.4. Approval by Council.

Subject to § 103-3.2 and § 103-3.3, approval by Council is required for:

- A. An Application to alter or permit the alteration of, any part of the Property, other than the interior of any building or structure, including landscape features on the Property within a Heritage Conservation District under Part V of the Act;
- B. An Application to erect, demolition or remove any building or structure, including landscape features on the Property or permit the erection, demolition or removal of such building or structure, including landscape features on the Property within a Heritage Conservation District under Part V of the Act.

§ 103-3.5. Delegation; Extension or waiver of timelines.

- A. The Chief Planner is authorized, at any point of time, to agree in writing with the Applicant to the extension of any time limit, or agree that any time limit does not apply, within which Council must make a decision for any Application under Part V of the Act.
8. City of Toronto Municipal Code Chapter 103, Heritage, Article 4, Sections 103-4.4, 103-4.5, and 103-4.6 are renumbered as Sections 103-4.7, 103-4.8, and 103-4.9 respectively.
9. City of Toronto Municipal Code Chapter 103, Heritage, Article 4, except for Sections 103-4.4, 103-4.5, and 103-4.6 (which are to be renumbered as Sections 103-4.7, 103-4.8, and 103-4.9 respectively in accordance with paragraph above), are deleted and replaced with the following:

ARTICLE 4

Designated Properties under Part IV of the Act

§ 103-4.1. Definitions.

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

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

APPLICATION - An application made under Part IV of the Act by the Applicant.

APPLICANT - An owner or a person authorized by an owner to submit an Application on behalf of the owner.

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

HERITAGE ATTRIBUTES - Those portions of a 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.

HERITAGE EASEMENT AGREEMENTS 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 property of cultural heritage value or interest.

HERITAGE PROPERTY - Properties which are of cultural heritage value or interest.

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

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

TRIBUNAL - means the Tribunal as defined under Section 1 the Act.

§ 103-4.2. 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 Act shall submit an application in writing on a form prescribed by the Chief Planner and shall supply any other information relating to the Application as deemed necessary by the Chief Planner for the administration of this chapter and the Act. Such Application shall include the following information:
- (1) the Application Form prescribed by the Chief Planner, including, but not limited to the following:
 - (a) the name, address, telephone number, and e-mail address of the owner and, if applicable, the owner's authorized representative;
 - (b) a legal description of the Property that is the subject of the application, including such information as the concession and lot numbers (if applicable), reference plan and part numbers, and street names and numbers and Property Identification Number (PIN) and up to date survey;
 - (c) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) the date of construction of all buildings or structures on the Property.
 - (2) A site plan or sketch showing the location of the proposed work on the Property, including the location of each existing building(s) or structure(s), including landscape features.
 - (3) A statement of the proposed scope of work.
 - (4) Drawings and written specifications of Property's building(s) or structure(s) proposed to be altered, including, but not limited to, materials, colours, dimensions, massing and extent of the proposed work.

- (5) A written description of the Property.
- (6) A written description of the proposed works including explanations of:
 - (a) the extent of the proposed works;
 - (b) the reasons for the proposed alteration of the existing building(s) or structure(s) including landscape features on the Property;
 - (c) the potential impact on the Heritage Attributes of Property;
 - (d) the potential impact on the cultural heritage value or interest of the Property; and
 - (e) any mitigation measures that are being proposed to avoid, minimize or reduce any negative impacts on the cultural heritage value or interest of the Property.
- (7) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features of the Property and of each Heritage Attribute of the Property.
- (8) Documentation pertaining to the proposal, including archival photographs, pictures or plans.
- (9) All technical cultural heritage and/or engineering studies that are relevant and required , as determined by the Chief Planner, to the proposed alteration of the Property.
- (10) A copy of the designation by-law of the Property.
- (11) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property.
- (12) A signed statement by the owner authorizing the Application.
- (13) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate.

§ 103-4.3. Application; repeal, in whole or part, of designating by-law, subsection 32 of the Act.

- A. Any person wishing to repeal a designation by-law of all, or part, of a Property that is designated under Part IV of the Act shall submit an application in writing on a form prescribed by the Chief Planner and shall supply any other information relating to the Application as deemed necessary by the Chief Planner for the

administration of this chapter and the Act. Such application shall include the following information:

- (1) the Application Form prescribed by the Chief Planner, including, but not limited to the following:
 - (a) the name, address, telephone number, and e-mail address of the owner and, if applicable, the owner's authorized representative;
 - (b) a legal description of the Property that is the subject of the application, including such information as the concession and lot numbers (if applicable), reference plan and part numbers, and street names and numbers and Property Identification Number (PIN) and up to date survey;
 - (c) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) the date of construction of all buildings or structures on the Property.
- (2) If the repeal of the designation by-law is on part of the Property, the following information is required:
 - (a) a legal description of the Property that will continue to remain subject to the designation by-law, should the repeal be authorized, including a draft reference plan;
 - (b) A site plan or sketch showing the location of the location of each existing building(s) or structure(s), including landscape features that will continue to be subject of the designation by-law, should the repeal be authorized;
 - (c) The reasons why the designation by-law is being repealed, in part, on the Property;
 - (d) The potential impact on the Heritage Attributes of Property;
 - (e) The potential impact on the cultural heritage value or interest of the Property;
 - (f) If the Council or the applicable Tribunal has authorized the demolition or removal of a building(s) or structure(s) or Heritage

Attribute(s) (as the case may be), Subsection A(2)(c), (d) and (e) are not applicable; and

- (g) If Subsection A(2)(f) is applicable, a revised draft designation by-law that complies with the Act is required, including a request to the Chief Planner for an amendment to the designation by-law under Section 30.1 of the Act.
- (3) If the repeal of the designation by-law is all of the Property, the following information is required:
 - (a) an explanation as to why the Property no longer constitutes a Property of cultural heritage value or interest under the Act;
 - (b) The reasons why the designation by-law is being repealed, in part, on the Property; and
 - (c) If the Council or the applicable Tribunal has authorized the demolition or removal of a building(s) or structure(s) or Heritage Attribute(s) (as the case may be), Subsections A(3)(a) and (b) are not applicable.
 - (4) A site plan or sketch showing the location of each existing building(s) or structure(s), including landscape features on the Property.
 - (5) A statement of why the repeal of the designation by-law, in whole or in part, is being requested.
 - (6) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features and of each Heritage Attribute of the Property.
 - (7) Documentation of the existing building(s) or structure(s), including landscape features of the Property, including recent photographs required by Subsection A(5).
 - (8) A copy of the designation by-law of the Property.
 - (9) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property.
 - (10) A signed statement by the owner authorizing the Application.
 - (11) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate.

§ 103-4.4. Application; demolition of a Heritage Attribute, Section 34(1)1 of the Act.

- A. Any person wishing to demolish or remove a Heritage Attribute on a Property that is designated under Part IV of the Act shall submit an application in writing on a form prescribed by the Chief Planner and shall supply any other information relating to the Application as deemed necessary by the Chief Planner for the administration of this chapter and the Act. Such application shall include the following information:
- (1) the Application Form prescribed by the Chief Planner, including, but not limited to the following:
 - (a) the name, address, telephone number, and e-mail address of the owner and, if applicable, the owner's authorized representative;
 - (b) a legal description of the Property that is the subject of the application, including such information as the concession and lot numbers (if applicable), reference plan and part numbers, and street names and numbers and Property Identification Number (PIN) and up to date survey;
 - (c) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) the date of construction of all buildings or structures on the Property.
 - (2) A site plan or sketch showing the location of the proposed work on the Property, including the location of each existing building(s) or structure(s), including landscape features and Heritage Attributes of the Property.
 - (3) A statement of the proposed scope of work.
 - (4) Drawings and written specifications of the Heritage Attribute(s) proposed to be demolished or removed on the Property, including, but not limited to materials, colours, dimensions, massing and extent of the work.
 - (5) A written description of the Property.
 - (6) A written description of the proposed works including explanations of:
 - (a) the extent of the proposed works;

- (b) the reasons for the proposed demolition or removal of the Heritage Attribute(s) on the Property;
 - (c) the potential impact on, and the integrity of, the Heritage Attributes of Property; and
 - (d) the potential impact on the cultural heritage value or interest of the Property.
- (7) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features of the Property and of each Heritage Attribute of the Property.
 - (8) Documentation pertaining to the proposal, including archival photographs, pictures or plans.
 - (9) All technical cultural heritage and/or engineering studies that are relevant and required , as determined by the Chief Planner, to the proposed demolition or removal of Heritage Attribute(s) on the Property.
 - (10) A copy of the designation by-law of the Property.
 - (11) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property.
 - (12) A signed statement by the owner authorizing the Application.
 - (13) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate.

**§ 103-4.5. Application; demolition or removal of a building or structure,
Section 34(1)2 of the Act.**

- A. Any person wishing to demolish or remove a building or structure on a Property that is designated under Part IV of the Act shall submit an application in writing on a form prescribed by the Chief Planner and shall supply any other information relating to the Application as deemed necessary by the Chief Planner for the administration of this chapter and the Act. Such application shall include the following information:
 - (1) the Application Form prescribed by the Chief Planner, including, but not limited to the following:
 - (a) the name, address, telephone number, and e-mail address of the owner and, if applicable, the owner's authorized representative;

- (b) a legal description of the Property that is the subject of the application, including such information as the concession and lot numbers (if applicable), reference plan and part numbers, and street names and numbers and Property Identification Number (PIN) and up to date survey;
 - (c) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) the date of construction of all buildings or structures on the Property.
- (2) A site plan or sketch showing the location of the proposed work on the Property, including the location of each existing building(s) or structure(s), including landscape features and Heritage Attributes of the Property.
- (3) A statement of the proposed scope of work.
- (4) Drawings and written specifications of the building(s) or structure(s) proposed to be demolished or removed on the Property.
- (5) A written description of the Property.
- (6) A written description of the proposed works including explanations of:
 - (a) the extent of the proposed works;
 - (b) the reasons for the proposed demolition or removal of the existing building(s) or structure(s) including landscape features on the Property;
 - (c) the potential impact on, and the integrity of, the Heritage Attributes of Property, and if applicable, any remaining building(s) and/or structure(s) on the Property; and
 - (d) the potential impact on the cultural heritage value or interest of the Property.
- (7) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features and of each Heritage Attribute of the Property.

- (8) Documentation pertaining to the proposal, including archival photographs, pictures or plans.
- (9) All technical cultural heritage and/or engineering studies that are relevant and required, as determined by the Chief Planner, to the proposed demolition or removal the Property, including but not limited to a building condition assessment of the building or structure proposed to be demolished or removed.
- (10) A copy of the designation by-law of the Property.
- (11) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property.
- (12) A signed statement by the owner authorizing the Application.
- (13) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate.

§ 103-4.6. 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 Act;
- B. An Application to alter, renovate or restore any feature included in the reasons for designation in a designation by-law;
- C. An Application for demolition or removal of a building or structure on Property designated under Part IV of the Act;
- D. An Application for demolition or removal of a Heritage Attribute of building or structure on Property designated under Part IV of the Act; and
- E. Any requests made under an existing Heritage Easement Agreement to alter, renovate, restore or improve any feature of a Heritage Attribute that do not fall within the Chief Planner's authority to approve under § 103-4.7(B).

§ 103-4.10. Delegation; Extension or waiver of timelines.

- A. The Chief Planner is authorized, at any point of time, to agree in writing with the Applicant to the extension of any time limit under the Act, or agree that any time limit does not apply within which Council must make a decision under the Act for any of the following:
 - (1) the exception to prescribed event in subsection 29(1.2) of the Act.

- (2) the prescribed circumstances to subsection 29(8)1 of the Act.
- (3) an Application under section 32 of the Act.
- (4) an Application under section 33 of the Act.
- (5) an Application under section 34 of the Act.
- (6) as may be otherwise permitted or prescribed under the Act.

§ 103-4.11. Delegation; Heritage Easement Agreements or covenants.

- A. Following enactment of a by-law by Council to provide for the entering into of a Heritage Easement Agreement(s) or Covenant(s), the Chief Planner is authorized to enter into and execute Heritage Easement Agreement(s) or Covenant(s) or amending Heritage Easement Agreement(s) or Covenant(s), on such terms satisfactory to the City Solicitor.

§ 103-4.12. Chief Planner Report on Part IV, Designations

- A. The Chief Planner shall report to the Planning and Housing Committee, in consultation with the Toronto Preservation Board, for any recommendations on designations of a Property under Section 29 of the Act.

10. City of Toronto Municipal Code Chapter 103, Heritage, Article 4, Sections 103-4.4 (renumbered as Section 103-4.7) is amended as follows:

- (a) the title, introductory text and introductory text of Section 103-4.7A, is deleted and replaced with the following:

§ 103-4.7. Powers and duties of Chief Planner.

Despite § 103-4.6 the Chief Planner 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;
- (b) Section 103-4.7A(1) is deleted;
- (c) Section 103-4.7A(2) is renumbered to A(1);
- (d) Section 103-4.7A(3) is renumbered to A(2) and subsection (a) is amended to delete the word "preservation" and replace it with the word "conservation", and the word "property" is deleted and replaced with the word "Property";
- (e) Section 103-4.7A(4) to A(7) are renumbered as subcategories to 103-4.7A(c), and will be Sections 103-4.7A(2)(c)(1), (2), (3), and (4) respectively;

- (f) Sections 103-4.7B, 103-4.7C and 103-4.7D are deleted in their entirety and replaced with the following:
- B. Approve with or without conditions, requests for minor repairs, alterations and improvements where the owner has entered into a Heritage Easement Agreement provided that the proposed minor repairs, alterations and improvements are:
 - (1) Consistent with Subsection A(1) and (2).
 - (2) Specified as permitted alterations in the Heritage Easement Agreement.
 - (3) Unlikely to affect the Heritage Attributes or the appearance or construction of the Property as set out in the Heritage Easement Agreement.
 - (4) Consistent with any conservation plan or guidelines specified in the Heritage Easement Agreement.
 - C. Upon receipt of an Application made under § 103-4.2, § 103-4.4 or § 103-4.5 and within sixty (60) days, the Chief Planner shall do one of the following:
 - (1) serve a notice of complete application to the Applicant. or
 - (2) serve a notice of incomplete application to the Applicant identifying the outstanding information and material required.
 - D. Upon receipt of a complete application under § 103-4.3, the Chief Planner shall serve a notice of receipt of application on the owner.
- 11.** City of Toronto Municipal Code Chapter 103, Heritage, Article 4, Sections 103-4.5 (renumbered as Section 103-4.8) is amended as follows:
- (a) Section 103-4.5A (renumbered as Section 103-4.8A), is amended by deleting reference to "103-4.3" and "103-4.4" and replacing them with reference to Sections "103-4.6" and "103.4.7" respectively;
 - (b) Section 103-4.5B (renumbered as Section 103-4.8B), is amended by deleting the word "property" and replacing it with the word "Property", and deleting the words "Ontario Heritage Act" and replacing it with the word "Act";
 - (c) Section 103-4.5B(1) (renumbered as Section 103-4.8B(1)), is amended by deleting the words "in a colour that is complimentary to the architecture of the building or structure.";

- (d) Section 103-4.5B(3) (renumbered as Section 103-4.8B(3)), is amended by adding the words "and downspouts" after the word "eavestroughs";
 - (e) Section 103-4.5B(renumbered as Section 103-4.8B), is amended by deleting the period "." at the end of the first clause and replacing it with a colon ":"; and
 - (f) Section 103-4.5B(1) to (5) (renumbered as Section 103-4.8B(1) to (5)), are amended by deleting the period "." at the end of the each clause and replacing it with a semi-colon ";" and adding the word "and" after the new semi-colon ";" inserted on Section 103-4.5B(5).
- 12.** City of Toronto Municipal Code Chapter 103, Heritage, Article 4, Section 103-4.6 (renumbered as Section 103-4.9) is amended as follows:
- (a) Section 103-4.6A(3) (renumbered as Section 103-4.9A(3)) is amended by deleting the words "Heritage Preservation Services" and replacing them with the words "Heritage Planning";
 - (b) Section 103-4.6A(4) and 103-4.6B (renumbered as Section 103-4.9A(4) and 103-4.9B) are amended by deleting the words "and Executive Director" after the words "Chief Planner";
 - (c) Section 103-4.6A(4) (renumbered as Section 103-4.9A(4)) is amended by deleting the word "property" and replacing it with the word "Property"; and
 - (d) Section 103-4.6C (renumbered as Section 103-4.9C) is amended by deleting the words "103-4.5" and replacing it with the words "103-4.7".
- 13.** City of Toronto Municipal Code Chapter 103, Heritage, Article 5, is amended by deleting subsections 103-5.1A(1) to (4) and replacing them with the following subsections (1) to (5):
- (1) Senior Manager, Heritage Planning.
 - (2) Program Managers.
 - (3) Senior Heritage Planners.
 - (4) Heritage Planners.
 - (5) Assistant Heritage Planners.
- 14.** City of Toronto Municipal Code Chapter 103, Heritage, Article 6, Section 103-6.1. Definitions is amended by deleting the definition of "Manager" and adding two new definitions as follows:
- CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate.
- SENIOR MANAGER - The Senior Manager of Heritage Planning.

15. City of Toronto Municipal Code Chapter 103, Heritage, Article 6, Section 103-6.1. Definitions is amended by the word "the" before the words "Ontario Heritage" in the definition of "Act".
16. City of Toronto Municipal Code Chapter 103, Heritage, Article 6, is amended by deleting the word "manager" in every instance and replacing it with the words "Senior Manager"; and deleting the words "and Executive Director" after the words "Chief Planner".
17. City of Toronto Municipal Code Chapter 103, Heritage, Article 7, Listed Properties is amended as follows:
 - (a) Section 103-7.1 is amended by deleting the words "Inventory of Heritage Properties" and replacing them with the words "Heritage Register";
 - (b) Section 103-7.1 is amended to add three new definitions before the definition of "Heritage Register" as follows:

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

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

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate.
 - (c) Section 103-7.2 title and text is amended by deleting the words "listed property" and "Listed Building" and replacing it with the words "Listed Property";
 - (d) Section 103-7.2A(3) is amended by deleting the period "." after the words "rear elevations" and replacing it with "; and";
 - (e) Section 103-7.2A is amended by adding a new provision (4) as follows:
 - (4) All technical cultural heritage and/or engineering studies that are relevant and required, as determined by the Chief Planner, to the proposed demolition or removal of the building or structure on the Property.;
 - (f) Section 103-7.2A and Section 103-7.2B is amended by deleting the words "and Executive Director, City Planning Division" after the words "Chief Planner"; and
 - (g) A new Section 103-7.3. Objection; Listed Property is added as follows:

§ 103-7.3. Objection; Listed Property.

- A. If the City Clerk receives objections to a Listed Property and in the opinion of the Chief Planner there is sufficient time to prepare a report, the Chief Planner shall report to the Planning and Housing Committee on

consideration of any objections received for recommendations to Council, up to two times a year;

- B. Any objection to a Listed Property submitted to the City Clerk shall contain the following information:
- (1) Name, address, telephone number, and e-mail address of the owner and Applicant;
 - (2) Municipal address(es) of the Listed Property;
 - (3) Reasons for the objections and any relevant facts related to the Listed Property; and
- C. Where a Listed Property is included in the Heritage Register on or before June 30, 2021 and an Applicant objects to such Listed Property, the Chief Planner shall advise in writing that such objection to a Listed Property will not be considered by Council pursuant to subsection 27(13) of the Act.

18. City of Toronto Municipal Code Chapter 103, Heritage, Article 8, Delegation is amended as follows:

- (a) A new Section 103-8.1. Definitions is inserted as follows:

§ 103-8.1. Definitions.

As used in this article, the following term(s) shall have the meanings indicated:

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

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

- (b) the words "and Executive Director" after the words "Chief Planner" are deleted in each instance in this Article;
- (c) Section 103-8.4. Delegation; extension is deleted in its entirety;
- (d) Section 103-8.1, Section 103-8.2 and Section 103-8.3 are renumbered respectively as Section 103-8.2, Section 103-8.3, and Section 103-8.4;
- (e) Section 103-8.3 (renumbered as Section 103-8.4) is amended by deleting the words "listed property" and replacing it with the words "Listed Property"; and
- (f) Section 103-8.6 is amended by adding the words "Planning and Housing Committee or" before the words "Community Councils".

19. This by-law shall come into force on the date it is enacted and passed.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)