

Authority: Planning and Housing Committee Item PH2.11,
as adopted by City of Toronto Council on March 29, 30 and
31, 2023
City Council voted in favour of this by-law on March 31,
2023

CITY OF TORONTO

BY-LAW 288-2023

To amend City of Toronto Municipal Code Chapter 103, Heritage, to adjust the responsibility of the Toronto Preservation Board and Community Preservation Panels and to delegate certain authority to the Chief Planner under the Ontario Heritage Act.

Whereas the Ontario Heritage Act was amended by Bill 23, More Homes Built Faster Act, 2022, S.O. 2022, c. 22 to require a property be included in the Heritage Register under Section 27 of the Ontario Heritage Act in certain instances before a property may be designated under section 29 of the same Act; and

Whereas Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act was amended to include prescribed criteria applicable to listing of heritage properties under section 27 of the Ontario Heritage Act; and

Whereas sections 20, 21 and 22 of the City of Toronto Act, 2006, authorizes the City to delegate its powers and duties under the City of Toronto Act, 2006 or any other Act to a person or body subject to the restrictions set out therein and authorizes delegation of minor and administrative decisions, as appropriate, to Committees of Council or to a City Official, on such conditions and with procedures as deemed appropriate; and

Whereas it is appropriate to delegate the decision to include a property on the City of Toronto's Heritage Register to the Chief Planner or designate, subject to certain conditions and procedures as specified herein; and

Whereas subsection 28(1) of the Ontario Heritage Act provides that a municipality may by by-law establish a municipal heritage committee and specify the advice and assistance to be provided by such committee to Council with respect to matters under Part IV and Part V of the Ontario Heritage Act and such other heritage matters; and

Whereas Chapter 103 establishes a municipal heritage committee known as the Toronto Preservation Board and this By-law further adjusts the advice and assistance to be provided by the Toronto Preservation Board to matters dealt with by Council;

The Council of the City of Toronto enacts:

1. Section 103-2.2C of City of Toronto Municipal Code Chapter 103, Heritage, is deleted and replaced with the following:

"C. The Board shall, with the assistance of staff, advise and assist Council on matters relating to Parts IV and V of the Act and other heritage matters as specified below:

- (1) Designation of individual heritage properties and heritage conservation districts;
 - (2) Applications to alter, demolish or remove properties included on the Heritage Register;
 - (3) Applications to repeal by-laws which designate individual properties as heritage properties;
 - (4) Authorizing the Chief Planner to negotiate, and execute heritage easements or covenants on behalf of the City;
 - (5) If an objection is received for a listed property, advice with respect to whether the property meets one or more criteria as set out in a regulation for determining cultural heritage value or interest as prescribed by the Province;
 - (6) Where delegation to the Chief Planner under Section 103-8.7 does not apply, advice with respect to whether the property meets one or more criteria as set out in a regulation for determining cultural heritage value or interest as prescribed by the Province;
 - (7) Cultural heritage landscape issues in respect of properties on the Heritage Register;
 - (8) Grants for the conservation of Heritage Properties; and
 - (9) Such other duties relating to heritage conservation issues as may be assigned to it by Council."
2. Section 103-2.3C of City of Toronto Municipal Code Chapter 103, Heritage, is deleted and replaced with the following:
- "C. Within its geographical area, each panel may:
- (1) Recommend properties within the local community which should be considered by the Chief Planner or the Board for inclusion on the Heritage Register;
 - (2) Monitor heritage properties, including those properties at risk, for review and discussion by the Board;
 - (3) Research properties to propose for inclusion on the Heritage Register;
 - (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; and
- (11) Report to the Toronto Preservation Board."

3. Section 103-7.3 of City of Toronto Municipal Code Chapter 103, Heritage, is amended by deleting and replacing Section 103-7.3A:

"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, on a quarterly basis."

4. Section 103-7.3 of City of Toronto Municipal Code Chapter 103, Heritage, is amended by deleting Section 103-7.3C.

5. Article 8, Delegation, of City of Toronto Municipal Code Chapter 103, Heritage, is amended to add a new Section 103-8.7 entitled "Delegation; Inclusion of Properties on Heritage Register" as follows:

"§ 103-8.7. Delegation; Inclusion of Properties on Heritage Register.

- A. If an application is made to the City under sections 22, 34 or 51 of the Planning Act, the Chief Planner may include all or any part of the property that is subject of the application made under the Planning Act on the Heritage Register as a Listed Property, if the Chief Planner believes the property to be of cultural heritage value or interest and the property meets two or more of the prescribed criteria under the Ontario Heritage Act.
- B. Despite § 103-8.7A, the Chief Planner may not include a property on the Heritage Register where City Council has:

- (1) considered an objection to the Listed Property and has directed the removal of the Listed Property from the Heritage Register in consideration of that objection; or
 - (2) considered an objection to the Notice of Intention to Designate and has directed the withdrawal of the Notice of Intention to Designate as it relates to the property and the removal of the property from the Heritage Register.
- C. Where a property is included in the Heritage Register in accordance with § 103-8.7A, the Chief Planner shall:
- (1) issue a written decision indicating that the property has been included in the Heritage Register;
 - (2) indicate in the written decision that there is belief the property to be of cultural heritage value or interest and the property meets two or more of the prescribed criteria under the Ontario Heritage Act, and specifying such criteria that are met; and
 - (3) give notice of the decision to the owner in accordance with the Ontario Heritage Act.
- D. On an annual basis, the Chief Planner shall, through Planning and Housing Committee, prepare a report for information that identifies the properties included in the Heritage Register as a Listed Property through the delegated authority pursuant to this Section that have not been designated, or at the same meeting of Council proposed to be designated, under the Ontario Heritage Act.
- E. City Council shall retain all powers and authority under Section 27 of the Ontario Heritage Act, to include properties on the Heritage Register as a Listed Property.
- F. Notwithstanding the foregoing, nothing shall prevent the Chief Planner from making recommendations to Council on whether one or more properties should be included in the Heritage Register."
6. This by-law shall come into force on the date it is enacted and passed.

Enacted and passed on April 3, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)