

## **Permanent Short-Term Delegation of Authority for Applications under Parts IV and V of the Ontario Heritage Act**

<b>Date:</b>	May 6, 2013
<b>To:</b>	Planning and Growth Management Toronto Preservation Board
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\PGMC\PG13045

### **SUMMARY**

---

This report recommends that City Council amend the City of Toronto Municipal Code, Chapter 103, Heritage, to delegate authority to the Chief Planner and Executive Director, City Planning Division (the "Chief Planner"), to make certain decisions in relation to applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the *Ontario Heritage Act*, and to give notice of intention to designate listed properties during election periods, summer recess, periods of labour disruption or any other circumstance where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings for periods of time that would preclude Council from responding to notices and applications made under the *Ontario Heritage Act* within legislated time lines.

### **RECOMMENDATIONS**

---

**The City Planning Division recommends that:**

1. The City of Toronto Municipal Code, Chapter 103, Heritage, be amended by adding a new Article IX, Delegation of Authority, providing that the Chief Planner and Executive Director City Planning Division is granted delegated authority during election periods, summer recess, periods of labour disruption or any other circumstance where Council, Community Councils and the Toronto

Preservation Board do not have regularly scheduled meetings for periods of time that would preclude Council from responding to notices and applications made under the *Ontario Heritage Act* ("the Act") within legislated time lines, to:

- a. give notice of intention to designate properties listed on the City's Heritage register in response to notices of intention to demolish; and
  - b. refuse applications made under sections 32 (2), 33(4), 34(2) and 42(4.1) of the Act, including applications to repeal a designating by-law, applications to alter, demolish or remove buildings or structures on properties designated under Part IV of the Act and applications to erect, alter, demolish or remove buildings or structures on properties designated under Part V of the Act.
2. The Chief Planner report to City Council through the Toronto Preservation Board and respective Community Councils during the first regularly scheduled meeting cycle following the relevant period of delegation with a list of applications, notices received and decisions made during the period of delegation.
  3. Approval of this report by the Toronto Preservation Board shall be deemed to constitute consultation with the Toronto Preservation Board with respect to the exercise of delegated authority by the Chief Planner for all purposes under the Act, including subsections 29(2), 32(2), 33(4), 34(2) and 42 (4.1)
  4. The City Solicitor be authorized to introduce the necessary bill in Council to give effect to this delegation.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **ISSUE BACKGROUND**

In accordance with the *Ontario Heritage Act*, City Council is required to consider applications to repeal designating by-laws and applications to alter or to demolish properties designated under Part IV of the Act and give notice of its decision, in the case of applications to repeal designating by-laws, within ninety days of receiving the application and in the case of applications to alter or demolish properties designated under Part IV of the Act, within ninety days after a notice of receipt of the application has been served on the applicant. If Council fails to respond within the ninety day period, Council is deemed to have consented to the application.

In heritage conservation districts, which are designated under Part V of the Act, if an application to alter a property designated under Part V does not conform to the district guidelines or if an application to demolish, remove or erect a building or structure is submitted, Council must give notice of its decision within ninety days after notice of receipt of the application has been served on the applicant. If Council fails to respond within the ninety-day period, Council is deemed to have consented to the application.

In addition to designating properties, Council has also expressed its interest in properties of cultural heritage value or interest by listing them on the City's Inventory of Heritage Properties. Although such listed properties are not designated under either Part IV or Part V of the Act, they are considered worthy of designation by both the Toronto Preservation Board and by Council. Owners of properties that are listed on the City's inventory of heritage properties must give sixty (60) days notice in writing of an intention to demolish or remove any building or structure on the property. If Council does not express its intention to designate the property under the Act within 60 days of receiving the owner's notice of intention to demolish or remove the building or structure, provided that all other conditions are met, the Chief Building Official is required to issue a demolition permit.

To satisfy the requirements of the Act, City Council must consult with the Toronto Preservation Board about all of the above matters.

## **COMMENTS**

This report recommends that Chapter 103, Heritage of the Toronto Municipal Code be amended to delegate authority to the Chief Planner to make certain decisions in relation to applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the *Ontario Heritage Act*, and to give notice of intention to designate listed properties during election periods, summer recess, periods of labour disruption or any other circumstance where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings for periods of time that would preclude Council from responding to notices and applications made under the *Ontario Heritage Act* within legislated time lines, in order to ensure that Council is not deemed to have consented to such applications.

This report also recommends that approval of this report by the Toronto Preservation Board (the "TPB") shall constitute consultation with the TPB for all purposes under the Act during the exercise of the Chief Planners delegated authority as there will be no opportunity to consult with the TPB during such periods.

Delegating authority to the Chief Planner to refuse all applications to repeal designating by-laws; applications to erect, alter, demolish or remove buildings or structures on properties designated under Parts IV and V of the Act, and to give notice of intention to designate listed properties upon receipt of an application to demolish a listed property during election periods, summer recess, periods of labour disruption or any other circumstance where Council, Community Councils or the Toronto Preservation Board do not have regularly scheduled meetings for periods of time that would preclude Council from responding to notices and applications made under the *Ontario Heritage Act* within legislated time lines, will provide a mechanism to ensure that significant heritage buildings are not altered or demolished until such time as Council is in a position to review the applications and render a decision.

The Chief Planner will report back to City Council through the Toronto Preservation Board and respective Community Councils during the first regularly scheduled meeting cycle following the relevant period of delegation with a list of the applications and notices received and the decisions made during the delegation period(s). At that time Council may elect to approve any applications that have been refused or elect not to proceed with the designation of a listed property.

## **CONTACT**

Robert Freedman  
Director, Urban Design  
City Planning Division  
Tel: 416-392-1126  
Fax: 416-392-1744  
E-mail: [rfreedm@toronto.ca](mailto:rfreedm@toronto.ca)

## **SIGNATURE**

---

Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division