

Implementing Bill 23 - Amendments to the Heritage Act and Proposed Amendments to the Municipal Code: Chapter 103 - Heritage

Date: February 10, 2023

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report provides an update on the recent changes to the Ontario Heritage Act (the "OHA") that the Province has implemented through Bill 23, the More Homes Built Faster Act 2022, and proposes administrative changes to the City of Toronto's Municipal Code as a Phase One response to the amendments.

On November 28, 2022, Bill 23, the More Homes Built Faster Act 2022, received royal assent and proposed extensive changes to the various pieces of legislation, including the Ontario Heritage Act.

On January 1, 2023, the amendments to the OHA were proclaimed into force, except for one provision that requires that a Heritage Register be posted on a municipality's website, intended to come into effect on July 1, 2023. The OHA amendments will require significant changes to how the City conserves its cultural heritage resources, particularly with respect to listing properties on the Heritage Register. The identification and conservation of heritage properties remains an integral component of land use planning.

Staff are currently undertaking a review of the City's current practices for listing heritage properties in the context of Bill 23. It is anticipated that through this review staff will have forthcoming recommendations on how to best align the City's response to these amendments within the existing policy framework, the City's phased response to Bill 109, and to the City's Concept 2 Keys program, and ongoing divisional program review. There will likely be a multi-phased approach to the response to the various legislative changes as they relate to the OHA including consideration of further policy changes from the Province.

This initial report focuses on the process of inclusion of a heritage property in the Register.

One of the most significant impacts of the amendments is a two year time limitation on the listing of heritage properties. There are currently 3,981 properties listed on the City's

Heritage Register that are not yet designated. The properties are located across the City, and some have been listed for nearly fifty years. All listed properties are subject to this new time limitation, whereby if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) of the OHA on or before the second anniversary of the day the property was included in the Register, Council must remove the property from the Register and cannot list it again for a period of five years.

The OHA amendments also place restrictions on Council's ability to designate a property that is subject to a development application, if the property is not listed on the City's Heritage Register before the time period prescribed under the OHA related to those development applications. Given the very limited time available to list a property involved in a development application, and the limitations of scheduled committee and council meetings needed to adopt a listing, this provision places the largest immediate risk before Council.

As an initial response to Bill 23, staff are recommending that Council delegate focused administrative authority to the Chief Planner and Executive Director, City Planning. The purpose of the delegation is to ensure that the City can respond to prescribed applications in a timely manner, while ensuring that Council is not precluded from making timely and informed decisions with respect to land use planning and heritage conservation. Authority would be delegated to include a property in the Heritage Register when they are believed to be of cultural heritage value and where they meet at least two of the Provincial Criteria for holding cultural heritage value or interest (the amended Act requires a property to meet one criterion), and when they are subject to privately initiated Official Plan Amendment, Zoning By-law Amendment, and/or Draft Plan of Subdivision application. Allowing the delegation of listing in these limited instances will ensure the timely listing of unlisted heritage properties within the development process, provide certainty and clarity, and assist staff in processing applications within the Bill 109 timelines. This also ensures that Council is not precluded from considering whether a property merits designation or not under section 29 of the OHA. Council would remain the approval authority for designations under the Act.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the City of Toronto Municipal Code, Chapter 103, Heritage, substantially in accordance with Attachment 1 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the amendment to the City of Toronto Municipal Code as may be required.
3. City Council direct the Chief Planner and Executive Director, City Planning, as part of the first annual report required under Section 103-8.7 D. of Chapter 103 of the Toronto Municipal Code, to report on the performance and process of administering the delegated authority of listing properties prior to a prescribed event, as defined under the Ontario Heritage Act.

4. City Council request that the Province of Ontario make the necessary amendments to the Ontario Heritage Act to allow for the municipality and a property owner to agree to a mutual extension or waiver of the timeline prescribed in Paragraph 1 of subsection 29 (1.2) requiring that property be listed on the Heritage Register at the time of a prescribed event.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of November 23, 2022, City Council considered a report from the City Manager and the Chief Planner and Executive Director, City Planning "Update on Bill 23, More Homes Built Faster Act 2022" and "Supplementary Report - City Staff Comments on Proposed Bill 23, More Homes Built Faster Act" from the Interim City Manager, Chief Financial Officer and Treasurer, and Chief Planner and Executive Director, City Planning (Item CC1.2.). This recommended that Council request that the Province extend the commenting period on Bill 23 until at least January 31, 2023, and that the Province not proceed with a number of the changes proposed through the Bill. [Agenda Item History - 2023.CC1.2 \(toronto.ca\)](#)

At its meeting of January 19, 2023, the Planning and Housing Committee considered a report from the Chief Planner and Executive Director, "Inclusion of Six Properties in Toronto and East York and North York on the Heritage Register - 29 and 31 Linden Street, 33 Maitland Street, 33 Melrose Avenue (including 31 Melrose Avenue), 822 Richmond Street West and 570 Sherbourne Street" (Item PH1.4). This item was the first of a new consolidated listing report that City Planning staff have piloted in response to Bill 23 in an effort to streamline the listing process. The report is scheduled to be considered by Toronto City Council on February 7, 8, and 9th, 2023. [Agenda Item History - 2023.PH1.4 \(toronto.ca\)](#)

On April 6, 2022, Council considered a report from the Chief Planner and Executive Director, "Toronto Heritage Survey Phase One and Heritage Planning Process Update" (Item PH32.9) and requested the Chief Planner and Executive Director, City Planning to report back to City Council in the third quarter of 2023 following the completion of the first phase of the Toronto Heritage Survey work plan, and to make recommendations on future phases of work. [Agenda Item History - 2022.PH32.9 \(toronto.ca\)](#)

COMMENTS

Heritage conservation is an integral component of good planning, contributing to a sense of place, economic prosperity and the promotion of healthy and equitable communities. The conservation of heritage resources is identified as Provincial interest in the Planning Act and is one of the Guiding Principles in A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Heritage conservation policies are embedded in the Provincial Policy Statement (PPS). Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth. Chapter 3.1.6 of the City's Official Plan describes how the City will conserve its heritage resources within the Provincial framework.

On July 16, 2019, City Council directed staff to undertake Phase One of the Toronto Heritage Survey (THS) as a fundamental building block of good planning that will help to provide transparency and clarity about where properties have heritage interest. Phase One has included the co-development of an Indigenous Heritage Engagement Project and the implementation of greater equity and inclusion in City Planning engagement practices, all to ensure that the City's Heritage Register better reflects places valued by First Nation, Inuit, and Métis peoples, and places valued by the City's many diverse communities.

Through Phase One of the THS, Cultural Heritage Resource Assessments are strategically integrated into planning studies to identify and understand cultural heritage resources early in the study process, as part of a comprehensive approach for planning for future growth. Through the planning study, inclusive of robust community consultation, transparent and efficient processes have been established to clear the vast majority of properties of heritage concern, while adding properties of heritage interest to the Heritage Register through multiple listings.

In addition, internal business processes have been reviewed, developed and revised to implement changes to the Act, including a more streamlined approach to individual property heritage evaluations that prioritizes consistent and timely contributions to development applications.

While the THS has been making significant progress in the identification of properties with cultural heritage value, Staff have also been working with property owners to manage change and growth on heritage properties, including those involved in complex development applications. Inclusion on the Heritage Register as a listed or designated property does not prevent growth or change on those properties. It instead allows the City to influence change, working with property owners to conserve what is important about the heritage properties, as defined by Council, and to meet the owner's objectives. In 2022, the City processed 2,139 heritage permits, City-wide, with 86% of those permits receiving a first review within three days of submission. Heritage Planning Staff have also been working closely with other Staff involved in development review to contribute efficiently and positively to development applications in a quickly changing policy landscape.

Purpose of the Heritage Register and Listed Properties

The Heritage Register is an important tool to assist in the identification and conservation of properties that may have cultural heritage value or interest. The Register can be consulted by municipal decision makers, the public, developers, and property owners to understand and wisely manage change to any given property.

Listing a property of cultural heritage value or interest is the first step a municipality should take in the identification and evaluation of a property that may warrant some form of heritage conservation, recognition, and/or long-term protection such as designation.

Identifying and protecting places in our communities that have cultural heritage value is an important part of planning for the future, and of helping to guide change while keeping the buildings, structures, and landscapes that give each of our communities its unique identity.

The Heritage Register is intended to:

- Recognize properties of cultural heritage value in a community;
- Foster civic identity and pride by drawing attention to the heritage and development of a community;
- Promote knowledge and enhance an understanding of a community's cultural heritage;
- Provide easily accessible information about cultural heritage value for land-use planners, property owners, developers, the tourism industry, educators, and the general public;
- To be a central element of a municipal cultural plan that begins with mapping local cultural resources and then leverages these resources for economic development and community building (which is being addressed through the Toronto Heritage Survey).

When a property is listed, but not designated under the OHA, it does not preclude or otherwise prevent change to a property. The OHA establishes that should an applicant wish to demolish a listed property, they only need to provide the municipality with 60 day notice of an application to demolish. Whereas under Part IV or V of the OHA, a Council decision, or on appeal to the Ontario Land Tribunal, is required prior to any interventions to a designated property.

Through Bill 23, the listing of a property on the Heritage Register has an expiry and consequential prohibition. These changes severely restrict the intended use and function of the Heritage Register to a time-limited, temporary flag on a property, until it is designated.

Implications of Bill 108

Through Bill 108 the Provincial government made significant changes to the Provincial planning framework and amended the OHA. These amendments came into force on July 1, 2021. The amendments included making designation under Part IV of the OHA subject to appeal to the Ontario Land Tribunal, introducing an objection process for

designated and listed properties, introducing new types of heritage permit applications, and new application requirements. These changes necessitated the early identification and designation of heritage properties.

The amendments also introduced a "prescribed event," which can be defined as the time for which the City Clerk provides notice of a privately initiated Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision Application to the public, through publication in the newspaper. Council has 90 days after the "prescribed event" to designate a property under the OHA or otherwise be prohibited from doing so.

Under Bill 108, the City and owner could mutually agree to extension or waiver of the prescribed event timelines imposed by the OHA while the potential for a property to hold cultural value was explored and evaluated. Since the introduction of the Bill 108 amendments, staff have worked collaboratively with applicants who routinely agree to extend or even waive timelines to allow for this heritage work and analysis to be undertaken.

The OHA also added a new objection and appeals processes. In 2022 alone, the new designation objection process resulted in seven additional staff reports as Council is required under the OHA to make a decision on each objection within 90 days of the end of the objection period. The new appeals process has also resulted in significant number of appeals of Council's decision to the Tribunal. It is anticipated that many of the appeals will be settled as some appeals were made as a pre-cautionary measure due to a development application on the same lands. Responding to these appeals, even when they result in a settlement, represents an increased investment in staff time.

Bill 108 has resulted in the earlier identification of heritage properties in the planning process and an increase in the number of properties recommended for designation under Part IV of the OHA. The administration workload on staff has also increased as tools have been put in place to track the new revamped heritage permit system and the new timelines and decision points in the OHA.

As a result of Bill 108, City Council amended Chapter 103 of the Toronto Municipal Code to delegate additional administrative authority to the Chief Planner, to establish and/or clarify heritage permit application requirements and establish additional process requirements for public transparency purposes, in particular around objection to listing of properties that was not prescribed by the OHA. New internal process administration practices were put in place, and through the ongoing work of the Toronto Heritage Survey, new best practices were adopted in streamlining the research and evaluation of properties for cultural heritage value.

Bill 23

As of January 1, 2023, the Provincial amendments place additional restrictions on when Council can designate a property under Part IV of the OHA, change how properties are evaluated against the Provincial Criteria for holding cultural heritage value by adding new thresholds, and change when properties can be listed on the Heritage Register. The amendments also introduce an expanded objection process for listed properties, an amendment process for Heritage Conservation District Plans (yet to be prescribed by

Regulation), and provision that allows for Ministerial review of cultural heritage value or interest. An additional amendment that requires municipalities to post their municipal Heritage Registers on their website will come into force on July 1, 2023. The City's Register is already available on the website. Staff are reviewing its content for compliance with the amendments.

With regard to the evaluation of properties to determine if they merit listing, the OHA amendments require that before a property is listed on the register, it must meet one or more prescribed criteria under O. Reg 9/06. Staff have applied O. Reg 9/06 to evaluate listed properties since at least 2005, and all listed properties have met or exceeded the thresholds for evaluation required by Bill 23. Staff will continue to apply O. Reg 9/06 to the evaluation of properties for listing, including through the Toronto Heritage Survey.

Part V of the OHA - Heritage Conservation Districts

The OHA now includes minimum thresholds for the determination of heritage conservation districts. A minimum of 25% of properties within a heritage conservation district must hold cultural heritage value or interest under two provincial criteria. This amendment is not retroactive, and therefore does not affect the City's existing districts. Given that Heritage Conservation Districts in Toronto have always exceeded this minimum threshold, it is projected that these thresholds will have a very limited impact on the Heritage Conservation District Plans and Studies that are currently in progress. Staff will review these ongoing Heritage Conservation District Plans and Studies to demonstrate how they meet this minimum threshold.

Implications for Listed Properties and the City's Heritage Register

The amendments made to the OHA through Bill 23 regarding properties that are listed, but not designated, are significant. There are currently 3,981 listed properties on the City's Heritage Register. Non-designated listed properties do not have any protection under the OHA, except insofar as an owner must give Council at least 60 days' notice of their intention to demolish or remove a structure on the property. Properties that are listed on the City's Heritage Register are flagged for review by Heritage Planning staff once a demolition permit has been submitted, and owners must follow established Notice requirements under the OHA following this action. Following further research and evaluation, staff may recommend designation of the property under Part IV of the OHA and seek appropriate conservation.

The former City of Toronto began listing properties on the Heritage Inventory in 1973, with the inaugural set of 490 properties found within the old City of Toronto boundaries recognized for architectural, historical, and/or contextual reasons. In the following decades, the surrounding municipalities of Scarborough, North York, York, and Etobicoke which now form the amalgamated City of Toronto adopted their own lists of heritage properties; following amalgamation, these lists were combined, and additional properties have been added over the years. The City has relied on listing as the tool to flag cultural heritage value and, due to the required staff resources, has generally limited researching and evaluating properties for individual designation when a property is subject to change (often through development proposal), or where a property owner

has approached the City and requested designation (often to take advantage of one of the City's heritage incentive programs).

In accordance with the amendments to the OHA, all of the listed properties that were included on the Register as of January 1, 2023, provided that the City does not give a notice of intention to designate the property under subsection 29 (1) of the OHA on or before the second anniversary of the amendments coming into force, must be removed from the Heritage Register. Similarly, for properties that are listed on the Register after January 1, 2023, if the City does not give a notice of intention to designate the property under subsection 29 (1) of the OHA on or before the second anniversary of the property being listed, the City must remove the properties from the Heritage Register. If the properties are deemed to be removed by the provisions of the OHA, the properties cannot be re-added again for a period of five years. Staff are undertaking a review of the City's listed properties and will be consulting with the Community Preservation Panels, the Toronto Preservation Board, and other key stakeholders before making a recommendation to Council through a future report on how to respond to this expiry date.

Proposed Administrative Changes to the Listing Process

The streamlining of internal heritage processes has been an integral component of phase one of the THS program. Work to date has included the documenting of existing business practices within the unit, and making recommendations to identify and implement efficiencies. That work has contributed positively to more efficient and responsive work flows, and better prepared staff to adjust to recent and frequent policy changes. Bills 108, 109, and 23 have added new processes, new expiry dates, and new timelines to the Ontario Heritage and Planning process, which will place a greater emphasis on this business transformation initiative and the need to modernize the City's Heritage Register.

Process improvements notwithstanding, the new limitation imposed by Bill 23 on Council requiring that a property subject to a development application must be listed on the Heritage Register prior to the occurrence of a prescribed event has the potential to lead to the loss of heritage properties as part of the development review process. If a heritage property is not listed by the point of the prescribed event, Council will not have the ability to designate it. The prescribed event takes place early in the planning process, and unlike with the 90 day restriction on designation introduced through Bill 108, Council does not have the ability within the OHA to mutually agree with owners to extend this deadline. Through this report, staff are recommending that the Province amend the OHA to add a provision that would allow the City and property owners to extend or waive this timeline by mutual agreement. Given the existing intervals between Council meetings, it may not be possible to research and evaluate properties, consult with the Toronto Preservation Board, and make recommendations to Council on individual properties before a prescribed event occurs.

In order to preserve Council's ability to designate properties within the context of the OHA and to respond within the Bill 109 timelines, staff are recommending that the Chief Planner and Executive Director, City Planning be delegated authority to list properties when they are believed to be of cultural heritage value, meet at least two or more of the

Provincial criteria for determining cultural heritage value or interest, and are subject to an Official Plan Amendment, Zoning By-law Amendment Application, and/or Plan of Subdivision application. The requirement to meet two or more criteria exceeds the provincial requirement for including a property in the Heritage Register. The detailed procedural requirements are set out in Attachment 1 to this Report.

The Chief Planner's delegated decision to include a property on the Heritage Register, however, remains subject to the following processes:

- The owner's ability to submit a notice of intent to demolish under s. 27(9), which requires the City to respond within 60 days on designation under s. 29 of the OHA;
- Objections to Listings filed by any Owner (quarterly consideration by Council of all objections received in accordance with Chapter 103);
- Annual Report by Chief Planner for exercise of delegated authority of properties listed (and were not recommended for designation at the time of the report) to PHC, whereby PHC can:
 - receive the report for information; or
 - PHC can recommend that specific properties be referred to the Toronto Preservation Board for advice to PHC and Council on whether to maintain a listed property in the register
- The 2 year expiry in legislation occurs which deems the property removed, should the City not give a notice of intention to designate the property under subsection 29 (1) of the OHA on or before the second anniversary of the property being listed.

Where time permits and Council would not otherwise be precluded from making a decision under the OHA, staff would continue to report to the Toronto Preservation Board, the appropriate Committee, and to Council on all other recommendations to list heritage properties. Additionally, staff are recommending that the Chief Planner report back on the performance and process of administering this delegated authority to City Council as part of the Annual Report proposed to be required by Chapter 103-8.7 of the Municipal Code.

The delegation to the Chief Planner will not preclude Council's ability to include or remove properties from the Heritage Register and does not preclude the Chief Planner from making recommendations to Council on whether one or more properties should be included in the Heritage Register.

In addition, staff are also recommending that a new process be established for considering owners objections to listing under the OHA. The amendments to the OHA allow all owners of listed properties to object to having their properties listed on the Heritage Register. Should an owner object, staff are proposing that through a report, staff would first seek the advice of the Toronto Preservation Board on the cultural heritage value of the subject property. Staff would then report to Committee and Council with a recommendation on the objection. These reports would be considered quarterly and would also preserve Council's ability to consider whether a listed property should be included on the Register.

Staff would also note that the delegation is prescribed to be used in particular circumstances. It does not apply to each application type and does not apply in advance

of applications under s. 22, 34 or 51 of the Planning Act being made to the City. Further, restrictions are placed on the Chief Planner that should Council make a decision with respect to a particular property with regard to inclusion on the register or withdrawal of the notice of intention to designate, the Chief Planner is not permitted to include that property in the register.

It is also important to note that including a property in the Heritage Register does not mean that the property will automatically be recommended for designation. It also does not preclude Council from removing a property from the Heritage Register altogether through one of the various mechanisms identified above. In some circumstances, certain properties may not have sufficient merit through further in-depth study to support a designation under s. 29 of the OHA. However, through in-depth research and analysis if it is determined to be worthy of designation, the property's inclusion on the Heritage Register should not be a barrier to Council's consideration of designation, where warranted.

The delegation is to ensure that the City can respond to a prescribed application in a timely manner, while ensuring that Council is not precluded from making timely and informed decisions with respect to land use planning and heritage conservation. The changes made through Bill 23 are indiscriminate to the cultural heritage value of any given property. Whether a property meets several criteria or only meets a few, the OHA treats them all the same and limits Council in precisely the same manner.

Next Steps and Phased Response to Bill 23 for the OHA

While the Bill 23 amendments to the OHA are significant, planning and heritage staff will continue to work towards the conservation of heritage resources in the city. Staff are in the process of undertaking a review of the City's heritage processes in order to establish a path forward and to determine where alignment is required to address the Bill 23 and 109 amendments. It is anticipated that internal process changes will be required. This review is being undertaken within the context of the City's phased response to Bill 109, the Concept 2 Keys program and the ongoing divisional program review. Staff will ensure that any required realignment complements and advances this ongoing work to ensure that the new timelines targeted by these programs will be met.

The components to review include:

- General process and procedures regarding the listing and designation of properties and districts;
- The removal of heritage properties from the Heritage Register;
- Compliance of the existing Heritage Register with the new legislated requirement for access of information e.g. owner information;
- Once prescribed by the Province, implementation of legislation with respect to amending Heritage Conservation Districts Plans, where applicable;
- Alignment of the priorities of the Toronto Heritage Survey program to Bill 23, including the prioritization of the business transformation and modernization of the Heritage Register

Additional components for review due to other legislative changes include:

- Integration into the recommendations for Bill 109 process improvements;
- Strategy to review the nearly 4,000 listed Heritage Register properties;
- Guidance and communication on Heritage Conservation with examples and best practices of the integration of heritage and housing to the public
- Review the impact on the current Heritage Study work program and associated timelines.
- Exploration of the potential to align heritage conservation objectives with TransformTO through an understanding of the embedded carbon in buildings which could further help reduce community-wide greenhouse gas emissions.

CONCLUSION

The changes made to the OHA through Bill 23 will have a significant impact on the City's Heritage Register and how the City conserves its heritage resources. Despite these changes heritage conservation remains a fundamental principle of good planning, and staff will continue to work towards the conservation of heritage resources in the city.

Staff are continuing to review the changes to the OHA made through Bill 23 and will have future recommendations on how to best align the City's response to these amendments with the City's phased response to Bill 109 and to the City's heritage conservation practice within the phased Concept 2 Keys program and ongoing divisional program review. As part of Phase One of this response to Bill 23 amendments to the OHA, staff are recommending delegation to the Chief Planner and Executive Director, City Planning the authority to include properties in the Heritage Register, substantially in the manner set out in Attachment 1 to this Report.

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SIGNATURE

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ATTACHMENTS

Attachment 1 - Draft Amending By-Law - Chapter 103

Attachment 2 - Map of Properties Listed Properties

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;

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;

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;

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;

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. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-2.2. C. 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:

Designation of individual heritage properties and heritage conservation districts;
Applications to alter, demolish or remove properties included on the Heritage Register;

Applications to repeal by-laws which designate individual properties as heritage properties;

Authorizing the Chief Planner to negotiate, and execute heritage easements or covenants on behalf of the City;

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;

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;

Cultural heritage landscape issues in respect of properties on the Heritage Register; Grants for the conservation of Heritage Properties; and

Such other duties relating to heritage conservation issues as may be assigned to it by Council."

2. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-2.3. C. 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;

(3) Provide for public awareness and promotion of issues relating to heritage properties, in co-operation with Heritage Toronto and other heritage groups, as required;

(4) Promote neighbourhood heritage and history;

(5) Arrange to erect plaques or markers, or both, on community sites of local interest;

(6) Provide for local community activities recognizing the efforts of citizens to protect, preserve or promote heritage properties;

(7) 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);

(8) Advocate, in co-operation with Heritage Toronto and other community heritage organizations, as required;

(9) Undertake such other duties relating to heritage preservation issues as may be assigned to it by Council;

(10) Report to the Toronto Preservation Board.

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

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

5. City of Toronto Municipal Code Chapter 103, Heritage, Article 8, Delegation is amended by 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 103-8.7. A., 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 from 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 103-8.7. A., 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

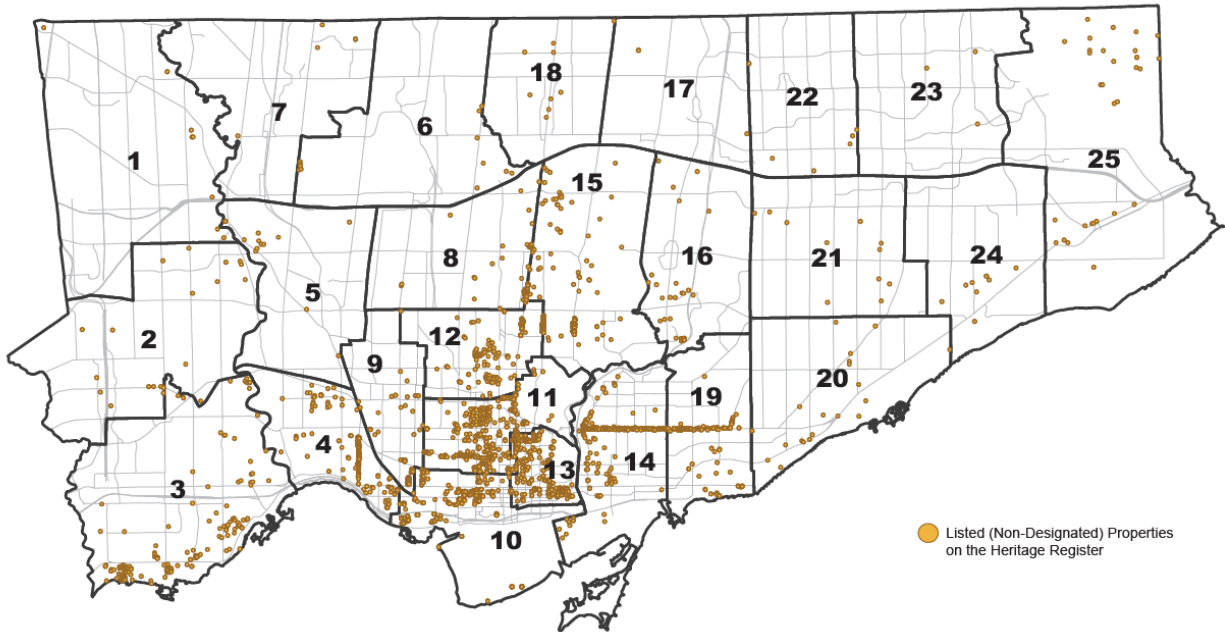
(3) give notice of the decision to the owner in accordance with the Ontario Heritage Act.

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.



January 26, 2023

Map illustrating the distribution of the approximately 4000 properties currently listed and not designated on the City's Heritage Register.