

Amendments to Municipal Code Chapter 103: Heritage

Date: June 26, 2025

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

The purpose of this report is to recommend technical amendments to the Toronto Municipal Code Chapter 103: Heritage (Chapter 103).

The Province of Ontario has made a number of amendments to the Ontario Heritage Act (the OHA) in recent years. Most notably these amendments have been made through Bill 108, The More Homes More Choices Act, 2019 (Bill 108), Bill 23, The More Homes Built Faster Act, 2022 (Bill 23) and Bill 200, Homeowner Protection Act, 2024 (Bill 200). As a component of a phased implementation strategy, the City made amendments to Chapter 103 in 2020 and 2023 to implement Bill 108 and Bill 23.

Through this report, staff are recommending further technical amendments to Chapter 103 to streamline OHA application requirements; and to provide additional clarity on procedures, and the authority delegated to the Chief Planner and Executive Director, City Planning. Staff are also recommending that Council direct the Chief Planner to undertake a comprehensive review of Chapter 103 and report back with any recommendations to modernize and streamline the chapter.

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 amend the City of Toronto Municipal Code, Chapter 103, Heritage, to delegate authority to the Chief Planner and Executive Director, City Planning or designate(s) to negotiate and sign heritage easement agreements, to agree to extensions of statutory timelines where permitted under the Ontario Heritage Act, to include properties on the heritage register and other administrative decision making powers.

3. For the purposes of Section 69.1 of the Ontario Heritage Act, City Council designate the Senior Manager, Heritage Planning as the "provincial offences officer" as the employee of the municipality under the *Provincial Offences Act*, whereby the timeline to prosecute any offence under the *Ontario Heritage Act* commences when any such offence comes, in writing, to the attention of the Senior Manager, Heritage Planning.

4. 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.

5. City Council direct the Chief Planner and Executive Director, City Planning to undertake a comprehensive review of the City of Toronto Municipal Code, Chapter 103: Heritage in consultation with affected Divisions and to report back with any required amendments to the municipal code to support its modernization.

6. City Council direct the Chief Planner and Executive Director, City Planning to review the City of Toronto Municipal Code, Chapter 103: Heritage, and following consultation with affected Divisions, report back on opportunities to streamline the heritage permit process and eliminate potential duplication where the approval of multiple Divisions is required for a single scope of work affecting heritage properties.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

On October 27, 28, and 30, 2020, City Council adopted PH17.11 - Amendments to the Municipal Code: Chapter 103 - Heritage, and Chapter 27 Council Procedures. Through the adoption of this report Council made amendments to the Municipal Code including delegating administrative authority to the Chief Planner and Executive Director, City Planning and establishing minimum application requirements in accordance with the amended OHA.

The decision document can be found here: [Agenda Item History - 2020.PH17.11](#)

On March 29, 30, and 31, 2023, City Council adopted PH2.11 - Implementing Bill 23 - Amendments to the Heritage Act and Proposed Amendments to the Municipal Code: Chapter 103 - Heritage. Through the adoption of this report, as part of a phased implementation strategy, Council made further administrative updates to the Municipal Code and delegating limited focused administrative authority to the Chief Planner and Executive Director.

The decision document can be found here: [Agenda Item History - 2023.PH2.11](#)

BACKGROUND

The OHA establishes the legal framework used by the City to ensure the conservation of heritage properties in Toronto. The City's application requirements and procedures for processing applications under the Act are organized within the Municipal Code in Chapter 103: Heritage. Chapter 103 was created after amalgamation when Council endorsed a structure for the delivery of heritage and museums. This chapter has been updated over the years through by-laws at Council's direction, often to update or implement new heritage programs or to implement amendments related to Provincial legislation.

Through Bill 108 and Bill 23, the Province made significant amendments to the OHA. These amendments included establishing minimum requirements for applications under the OHA, new processes including procedures for owners to object and appeal Council decisions, and new timelines on the processing of permit applications. The amendments also established prohibitions on when Council can include properties on the Heritage Register and when Council can designate heritage properties.

The City amended Chapter 103 in 2020 in order to implement Bill 108 and again in 2023 to implement Bill 23. The amendments included prescribing new application requirements and process that conformed to the minimum application requirements and process in the amended OHA and delegating limited administrative authority to the Chief Planner that allowed the City to respond to the tight timelines prescribed within the amended OHA while continuing to process development applications.

COMMENTS

Amendments to Chapter 103

The two amendments made to Chapter 103 over the past five years have allowed the City to continue to process applications and to conserve properties in accordance with the evolving Provincial planning framework, recent changes to the Ontario Heritage Act, and the City's Official Plan. City Planning is recommending further technical amendments to Chapter 103 that will result in the streamlining of application requirements, improve the processing of applications, and provide applicants and property owners with additional clarity and certainty.

The proposed amendments include clarifying the scope of deemed permits issued under the OHA along with the Chief Planner's limited delegated authority to approve minor applications. Deemed permits are issued for minor routine maintenance work that the owner of a designated property may undertake without applying to the City for a Heritage Permit. The Chief Planner's limited delegated authority applies to defined work within a Heritage Conservation District that conforms to a Council adopted Heritage Conservation District Plan or guidelines, and minor work to individually designated

properties that is undertaken in accordance with Council adopted conservation standards.

Section 103-8.4 is moved to Section 7 of Chapter 103 regarding listed properties. This provides clarity in line with Council's original intent to make sure exercise of this delegated authority to include properties on the heritage register is triggered by an application being made to the City under certain sections of the Planning Act, which will become subject to a prescribed event under the OHA. Where the application is made, and before the prescribed event under the OHA occurs, the property must be included on the City's Heritage Register. The re-location of this existing delegated authority is administrative in nature, as for prescribed events Council must make a decision to designate the property to protect the heritage property in the long-term, or otherwise may be prohibited from designating the property, except in prescribed circumstances.

Staff are also recommending that Chapter 103 be amended to add additional administrative provisions that describe how staff will process applications to amend Heritage Easement Agreements. These amendments will provide property owners with greater clarity should they wish to apply to amend an existing Heritage Easement Agreement. Consistent with existing authority regarding Part IV designated properties, additional administrative authority is also proposed to be delegated to the Chief Planner to allow for the execution of Heritage Easement Agreements under Section 37 of the OHA for properties designated under Part V in circumstances where Council has already passed a by-law granting authority to enter into such Agreement. Delegating this authority for Part V properties to the Chief Planner will expedite the processing of complex applications within Heritage Conservation Districts where Council has already approved a heritage permit application under the OHA.

Bill 5, Protecting Ontario has amended the Ontario Heritage Act primarily with respect to Archaeology and has added a new section respecting limitation periods under the OHA. New Section 69.1 identifies that proceedings for offences under the OHA cannot commence 2 years after the date on which the offence first comes to the attention of a "Provincial Offences Officer" as defined under the *Provincial Offences Act*. There is a broad category of persons listed who have no bearing or relationship to the OHA or enforcement of the OHA. Heritage staff, in collaboration with Municipal Licensing and Standards and Legal Services, enforce compliance with the OHA. Offences under the OHA are set out under section 69 of the OHA, including when property owners contravene permit approvals, engage in unauthorized alterations or demolitions and other relevant OHA contraventions. To ensure clarity to the public and ensure that the appropriate City divisions are notified respecting any potential offence under the OHA, staff recommend Council designate the Senior Manager, Heritage Planning as the specified official for the purpose of section 69.1 of the OHA.

Comprehensive Review of Chapter 103

Further, since amalgamation, Chapter 103 has not been comprehensively reviewed. While specific articles and clauses have been amended at Council direction, many others have not been revisited since the initial framework for the delivery of heritage and museum services was endorsed by Council in 1999. Since this time the Ontario Heritage Act and the policy framework for the conservation of heritage properties has

seen substantial change, and the City's structure for the delivery of heritage programs has evolved. Staff are recommending that Council direct the Chief Planner and Executive Director, in consultation with any other affected Divisions, to undertake a comprehensive review of Chapter 103 and to report back with any required recommendations to modernize this Chapter.

Finally, staff are recommending that the Chief Planner and Executive Director review Chapter 103: Heritage, and following consultation with affected Divisions, report back on opportunities to streamline the heritage permit process and eliminate potential duplication where the approval of multiple Divisions is required for a single scope of work. Such a long-standing approach is already in place between City Planning and Toronto Building for proposals that require approval under the Ontario Heritage Act and the Building Code Act. Staff are recommending that a similar approach be extended to other types of municipal approvals, where appropriate.

CONCLUSION

The amendments to the City of Toronto's Municipal Code, Chapter 103 - Heritage made as a result of Bill 108 and 23 have allowed the City to continue to implement Provincial Policy and the City's Official Plan Policies and ensure that heritage properties in the City are conserved. The technical amendments proposed by staff through this report will add further precision to the implementation of Chapter 103 by streamlining application requirements, providing greater clarity to applicants, and improving the processing of applications. Additionally, staff are recommending that a comprehensive review of Chapter 103 be undertaken with the intent of modernizing the Chapter, and that staff report back on opportunities to streamline and eliminate potential duplication in the application process where a project requires Ontario Heritage Act approval in addition to other municipal approvals.

CONTACT

Paul Maka, Project Manager and Registrar, Heritage Planning, Urban Design, City Planning, 416-338-1077; paul.maka@toronto.ca

Mary L. MacDonald, Senior Manager, Heritage Planning, Urban Design, City Planning 416-338-1079; Mary.MacDonald@toronto.ca

SIGNATURE

Jason Thorne
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 - Draft Amending By-Law Chapter 103