

To amend City of Toronto Municipal Code Chapter 103, Heritage, to make adjustments, additions, deletions and updates the use of language, including under Article 3 related to Heritage Conservation Districts, correcting typographical errors, making minor clarifications to existing heritage permit application requirements, establish a consistent decision making process for requests related to existing heritage easement agreements, identify the Senior Manager, Heritage Planning as the “Provincial Offences Officer” for the purposes of Section 69.1 of the Ontario Heritage Act, and re-affirm existing delegated authority and to delegate certain authority to the Chief Planner under the Ontario Heritage Act.

Whereas the province of Ontario has enacted Sections 69.1 and 69.2 of the Ontario Heritage Act on June 5, 2025, which establishes limitation periods for offences under the Ontario Heritage Act that commence from when they come to the attention of a “provincial offences officers appointed under the *Provincial Offences Act*”;

Whereas Council has deemed it appropriate, for the purpose of the Ontario Heritage Act, to identify, appoint and designate an employee of the City to ensure any knowledge an offence has occurred has been brought to the attention of such employee whose responsibilities include enforcement of the properties municipally regulated by Ontario Heritage Act;

Whereas Council, for the purposes of Section 69.1 of the Ontario Heritage Act, identify, appoint and 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;

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

Whereas Council has previously authorized amendments to City of Toronto Municipal Code, Chapter 103, Heritage, to identify application requirements for applications made under the Ontario Heritage Act, to enable the Chief Planner to negotiate and sign heritage easement agreements and other administrative decision making powers through By-law 670-2021; and

Whereas Council authorizes additional amendments to City of Toronto Municipal Code, Chapter 103, Heritage, to enable the Chief Planner to negotiate and sign heritage easement agreements, and other administrative decision making powers with respect to Heritage Conservation Districts; and

Whereas Chapter 103 requires updates in language to align with recently approved Heritage Conservation District Plans to ensure consistency of nomenclature; and

Whereas Council has deemed it appropriate to modify existing requirements for applications made under the Ontario Heritage Act;

Whereas Council has deemed it appropriate to establish a consistent decision making process for requests related to existing heritage easement agreements or covenants, including adding consultation with the Toronto Preservation Board in Section 103-2.2 C of Chapter 103, in the

event a new amending heritage easement agreement by-law is required under section 37(1) of the Ontario Heritage Act;

Whereas the Ontario Heritage Act requires 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 Council has already delegated 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 through By-law 288-2023, and Council, through this by-law, has deemed it appropriate to relocate existing Section 103-8.7, in its entirety, to "Article 7, Listed Properties" to provide clarity on the exercise of that existing delegation to only correlate to responding to a future trigger of a "prescribed event" as defined by the Ontario Heritage Act when a specific application under the Planning Act has been made to the City; 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;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-1.8 is deleted and replaced with the following:

"103-1.8. Officers; committees.

- A. Heritage Toronto may establish committees to enlist public support for the work of Heritage Toronto."

2. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-1.12. B is deleted and replaced with the following:

“B. To the extent of any conflict between this article and Article 2, Preservation Board; Community Preservation Panels, Article 2 prevails.”
3. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-2.2 C. is amended to add new Subsection (5) for “requests to amend an existing heritage easement agreement”, and amend Subsection (7) to replace “103-8.7” with “103-7.4”, so that Section 103-2.2. C, as amended, reads as follows:

“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) Requests to amend an existing heritage easement agreement;
 - (6) 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;
 - (7) Where delegation to the Chief Planner under Section § 103-7.4 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;
 - (8) Cultural heritage landscape issues in respect of properties on the Heritage Register;
 - (9) Grants for the conservation of Heritage Properties; and
 - (10) Such other duties relating to heritage conservation issues as may be assigned to it by Council.”

4. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.1 is amended delete and replace the defined term “Heritage Conservation District” with the following:

“HERITAGE CONSERVATION DISTRICT - A heritage conservation district designated under Part V of the Act.”

5. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.1 is amended add the following new definitions in alphabetical order:

“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, where it does not conflict with the Heritage Conservation District Plan;
- B. A Heritage Conservation District Plan;
- C. A Heritage Easement Agreement or Covenant; or
- D. A maintenance and conservation agreement.

HERITAGE EASEMENTS 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.

PUBLIC REALM - Any public space, including but not limited to: streets, sidewalks, laneways, parks, and privately owned publicly-accessible open spaces, walkways or easements.”

6. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.2. A. is deleted and replaced with the following revised Section 103-3.2. A.:

“A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, to alter the external portions of such a building or structure, or to alter, demolish, or remove a heritage attribute of the property, including landscape features, 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) whether the Property is subject to a designation under any other part of the Act; and
 - (d) 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 nor 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 (where they are heritage attributes) 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.”
7. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.2. D. is deleted and replaced with the following revised Section 103-3.2. D.:
- “D. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a Heritage Conservation District:
- (1) Painting of wood, stucco or metal finishes.
 - (2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the repairs match the existing in terms of materials used and detailed design.
 - (3) Installation of eavestroughs.
 - (4) Weatherproofing, including installation of removable storm windows and doors, caulking, and weatherstripping.
 - (5) Installation of exterior lights.
 - (6) An alteration that is not visible from the Public Realm, provided it does not affect a Heritage Attribute.

- (7) Work identified in the applicable Heritage Conservation District Plan or Guidelines as subject to a deemed heritage permit.”

8. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.3. A is deleted and replaced with the following:

“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 the 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.”

9. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.3. C is deleted and replaced with the following:

“C. A permit issued under Subsection A shall be issued subject to the following conditions:

- (1) That the permit holder not make any material change to a plan, specification, document or other information that forms the basis on which the permit was issued without making a further application under § 103-3.2A, subject to § 103-3.4 D.
- (2) That the permit holder carry out the alterations in accordance with the plans, specifications, documents and any other information that form the basis on which the permit was issued, including any applicable Heritage Easement Agreement(s) or Covenant(s).
- (3) No change to a plan, specification, document or other information that forms the basis on which the permit was issued is permitted, without making a further application under § 103-3.2A that is approved, or where there is an existing Heritage Easement Agreement, a request is made under § 103-3.4 C is approved by City Council, unless the Chief Planner confirms, in writing, that the proposed change is substantially in accordance with the approved permit application or Heritage Easement Agreement, as applicable.
- (4) Such other terms and conditions as the Chief Planner deems necessary to maintain the applicable Heritage Attributes.”

B. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.3. D. is deleted and replaced with the following:

“D. If the alterations proposed in an Application do conflict with the 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 (subject to Chapter 27, Section 27-8.1) and to Council for consideration.”

10. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-3.4 is deleted and replaced with the following:

“§ 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.
- B. An Application to erect, demolish or remove any attribute, building or structure, including landscape features on the Property or permit the erection, demolition or removal of such attributes, buildings or structures, including landscape features on the Property within a Heritage Conservation District.
- C. Any requests made under an existing Heritage Easement Agreement to alter, renovate, restore or improve any feature of a Property or Heritage Attribute that do not fall within the Chief Planner's authority to approve under § 103-3.2.
- D. Where a request is made under § 103-3.4.C that proposes to alter, renovate, restore, improve or otherwise impact any feature of a Property or Heritage Attribute that is not consistent with the Heritage Easement Agreement or Covenant, the Chief Planner will, within the timeline as may be specified in the Heritage Easement Agreement:
 - (1) Provide a written notice to the owner refusing the request; or
 - (2) Provide written notice to the owner that City Council will consider the request for a final decision on the request and specify the meeting of City Council, after consultation with the Toronto Preservation Board, that the request will be considered.
- E. For greater certainty, a request made under § 103-3.4 C or § 103-3.4 D shall not constitute or be a considered an Application under § 103-3.2 A, and Council’s decision on the request shall be final.
- F. Any approval granted by City Council for a request made under § 103-3.4 C or § 103-3.4 D may be subject to conditions, including requiring the owner to enter into an amending Heritage Easement Agreement on such terms and conditions satisfactory to the City.”

11. City of Toronto Municipal Code Chapter 103, Heritage, Article 3 is added to a new Section 103-3.6 as follows:

“§ 103-3.6. 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.”
12. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-4.1 is amended to delete and replace the defined terms “Heritage Attributes” and “Tribunal” with the following:

“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;
- B. A Heritage Easement Agreement or Covenant; or
- C. A maintenance and conservation agreement.

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

13. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-4.2 is deleted and replaced with the following:

“§ 103-4.2. Application; alterations.

- A. Any person wishing to alter, renovate, restore or erect a building or structure, including landscape features, 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) whether the Property is subject to a designation under any other part of the Act; and
 - (d) 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 proposed works including details of the 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 :
 - (a) An itemized and detailed description of all alterations and interventions;
 - (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 the 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 (where they are heritage attributes) 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.”
- 14.** City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-4.3 A. (1) (c) is deleted and existing subsections 103-4.3 A. (1) (d) and (e) are subsequently renumbered as subsections (c) and (d).
- 15.** City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-4.3 A. (2) (d) is deleted and replaced with the following:
- “(d) The potential impact on the Heritage Attributes of the Property;”
- 16.** City of Toronto Municipal Code Chapter 103, Heritage, Subsections 103-4.3 A. (6) and (7) are deleted and replaced with the following:
- “(6) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features (where they are heritage attributes) 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).”
- 17.** City of Toronto Municipal Code Chapter 103, Heritage, the title of Section 103-4.4 is deleted and replaced with the following:
- “§ 103-4.4. Application; demolition of a Heritage Attribute, Subsection 34(1)1 of the Act.”**
- 18.** City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-4.4 A. (1) (c) is deleted and existing subsections 103-4.4 A. (1) (d) and (e) are subsequently renumbered as subsections (c) and (d).
- 19.** City of Toronto Municipal Code Chapter 103, Heritage, Subsections 103-4.4 A. (6), (7) and (11) are deleted and replaced with the following:
- “(6) A written description of the proposed works including:
- (a) An itemized and detailed description of all alterations and interventions the reasons for the proposed demolition or removal of the Heritage Attribute(s) on the Property;

- (b) the potential impact on, and the integrity of, the Heritage Attributes of the Property; and
 - (c) 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 (where they are heritage attributes) of the Property and of each Heritage Attribute 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.”
- 20.** City of Toronto Municipal Code Chapter 103, Heritage, the title of Section 103-4.5 is deleted and replaced with the following:
- “§ 103-4.5. Application; demolition or removal of a building or structure, Subsection 34(1)2 of the Act.”**
- 21.** City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-4.5 A. (1) (c) is deleted and existing subsections 103-4.5 A. (1) (d) and (e) are subsequently renumbered as subsections (c) and (d).
- 22.** City of Toronto Municipal Code Chapter 103, Heritage, Subsections 103-4.5 A. (6), (7) and (11) are deleted and replaced with the following:
- “(6) A written description of the proposed works including:
- (a) An itemized and detailed description of all alterations and interventions;
 - (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 the 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 (where they are heritage attributes) and of each Heritage Attribute 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.”
- 23.** City of Toronto Municipal Code Chapter 103, Heritage, Section 103-4.6, Section 103-4.7,

and Section 103-4.8 are deleted and replaced with the following revised Section 103-4.6, Section 103-4.7, Section 103-4.8 and Section 103-4.9:

“§ 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 a building or structure, including landscape features, on Property designated under Part IV of the Act.
- E. An Application to repeal a designation by-law of all, or part, of a Property that is designated under Part IV of the Act.
- F. Any requests made under an existing Heritage Easement Agreement to alter, renovate, restore or improve any feature of a Property or Heritage Attribute that do not fall within the Chief Planner's authority to approve under § 103-4.7(B).
- G. Where a request is made under § 103-4.6.F that proposes to alter, renovate, restore, improve or otherwise impact any feature of a Property or Heritage Attribute that is not consistent with the Heritage Easement Agreement or Covenant, the Chief Planner will, within the timeline as may be specified in the Heritage Easement Agreement:
 - (1) Provide a written notice to the owner refusing the request; or
 - (2) Provide written notice to the owner that City Council will consider the request for a final decision on the request and specify the meeting of City Council, after consultation with the Toronto Preservation Board, that the request will be considered.
- H. For greater certainty, a request made under § 103-4.6.F or § 103-4.6.G shall not constitute or be a considered an Application under § 103-4.2, § 103-4.4, or § 103-4.5, and Council’s decision on the request shall be final.
- I. Any approval granted by City Council for a request made under § 103-4.6.F or § 103-4.6.G. may be subject to conditions, including requiring the owner to enter into an amending Heritage Easement Agreement on such terms and conditions satisfactory to the City.

§ 103-4.7. Powers and duties of Chief Planner – Processing Applications.

The Chief Planner shall review or cause to be reviewed all Applications under this article and will:

- A. 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.
- B. Upon receipt of a complete application under § 103-4.3, the Chief Planner shall serve a notice of receipt of application on the owner.

§ 103-4.8. Powers and duties of Chief Planner – Approval of Applications.

Despite § 103-4.6 the Chief Planner is authorized to:

- A. Approve Applications for minor repairs, alterations and improvements that maintain the heritage character of the Property provided that:
 - (1) The alterations do not require the removal or alteration of architecturally significant portions of the building or structure; and
 - (2) The work is compatible with:
 - (a) Guidelines adopted by Council to assist in the conservation of heritage Property;
 - (b) Guidelines for heritage conservation issued by the Province of Ontario and the Government of Canada, as may be applicable;
 - (c) Parks Canada Standards and Guidelines for the Conservation of Historic places in Canada and provided that:
 - (1) The alterations, additions and changes to exterior elevations and features are not visible from the public realm.
 - (2) The work is replacement where repair is not feasible and the replacement work utilizes the same types of materials and detailed design as the original exterior heritage fabric.
 - (3) The façade or building restorations are consistent with historic documentation.

- (4) The alterations address accessibility, life safety, mechanical and other applicable Building Code requirements.
- 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.

§ 103-4.9. Permits deemed to be issued.

- A. Despite § 103-4.6 A-E and § 103-4.8 an application shall be deemed to have been made for work described in Subsection B.
 - B. A permit is deemed to be issued for the following alterations to the external portions of a building or structure located on Property designated under Part IV of the Act:
 - (1) Painting of wood, metal finishes or existing painted or new stucco;
 - (2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the repairs match the existing in terms of materials used and detailed design
 - (3) Installation or repair of eavestroughs and downspouts;
 - (4) Weatherproofing, including installation of removable storm windows and doors, caulking and weatherstripping;
 - (5) Installation of exterior lights provided that they are not affixed to any features that are included in the reasons for designation; and
 - (6) Routine landscape maintenance that does not affect the integrity of the landscape as specified in the reasons for designation.”
- 24.** City of Toronto Municipal Code Chapter 103, Heritage, existing Section 103-4.9 “Conditions”, renumbered as Section 103-4.10 is deleted and replaced with the following:

“§ 103-4.10. Conditions.

- A. All permits shall be subject to the following conditions:
- (1) All work shall be carried out in accordance with the plans, specifications, documents and any other information that forms the basis upon which a permit is issued.
 - (2) Any material change to the plans, specifications, documents or other information that forms the basis upon which a permit is issued shall require a further application or request, as applicable.
 - (3) No change to a plan, specification, document or other information that forms the basis on which the permit was issued is permitted, without making a further application under § 103-4.2, § 103-4.4, or § 103-4.5 that is approved, or where there is an existing Heritage Easement Agreement, a request made under § 103-4.6.F is approved by City Council, unless the Chief Planner confirms, in writing, that the proposed change is substantially in accordance with the approved permit application or Heritage Easement Agreement, as applicable.
 - (4) The permit holder shall advise Heritage Planning upon completion of the work.
 - (5) Such other terms and conditions as the Chief Planner deems necessary to maintain the heritage character of the Property.

25. City of Toronto Municipal Code Chapter 103, Heritage, existing Section 103-4.10, Section 103-4.11, and Section 103-4.12 are renumbered as Section 103-4.11, Section 103-4.12 and Section 103-4.3 as follows:

“§ 103-4.11. Delegation; Extension or waiver of timelines.

§ 103-4.12. Delegation; Heritage Easement Agreements or covenants.

§ 103-4.13. Chief Planner Report on Part IV, Designations.”

26. City of Toronto Municipal Code Chapter 103, Heritage, Article 5, title “Inspectors” is deleted and replaced with the title “Appointed Inspectors and Provincial Offences Officer”.
27. City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-5.1 (2) is deleted and replaced with the following:
- “(2) Program Managers, Heritage Planning.”
28. City of Toronto Municipal Code Chapter 103, Heritage, Subsection 103-5.1 is amended

to add new Subsection (6) as follows:

“(6) Project Managers, Heritage Planning.”

29. City of Toronto Municipal Code Chapter 103, Heritage, Article 5 is amended to add a new Section 103-5.2 as follows:

“§ 103-5.2. Appointment of Provincial Offences Officer.

- A. For the purposes of Section 69.1 of the *Ontario Heritage Act*, the Senior Manager, Heritage Planning is identified, designated and appointed as the “provincial offences officer” being the employee of the City of Toronto 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.”
30. City of Toronto Municipal Code Chapter 103, Heritage, Section 103-7.2 A (3) is deleted and replaced with the following:
- “(3) Recent photographs showing the existing building condition including front, side and rear elevations; and”
31. City of Toronto Municipal Code Chapter 103, Heritage, Article 7 is amended to relocate existing Section 103-8.7, with technical amendments, to Article 7, as Section 103-7.4 as follows:

“§ 103-7.4 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 § 103-7.4.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 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 § 103-7.4.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.”
- 32.** City of Toronto Municipal Code Chapter 103, Heritage, Section 103-8.7 is relocated to Article 7, Listed Properties.
- 33.** This by-law shall come into force on the date it is enacted and passed.

Enacted and passed on July , 2025.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)