

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

Chapter 103

HERITAGE

**ARTICLE 1
Heritage Toronto**

- § 103-1.1. Definitions.
- § 103-1.2. Name of Board.
- § 103-1.3. Responsibilities.
- § 103-1.4. Membership; term; reappointment; vacancies; removal.
- § 103-1.5. Remuneration.
- § 103-1.6. Open meetings; quorum.
- § 103-1.7. Minutes; records.
- § 103-1.8. Officers; committees.
- § 103-1.9. Frequency of meetings.
- § 103-1.10. Budget; annual report.
- § 103-1.11. Legal obligations; management of property.
- § 103-1.12. Conflicting provisions; conflicts of interest.

**ARTICLE 2
Preservation Board; Community Preservation Panels**

- § 103-2.1. Definitions.
- § 103-2.2. Toronto Preservation Board.
- § 103-2.3. Community Preservation Panels.
- § 103-2.4. Conflicting provisions.

**ARTICLE 3
Heritage Permits in Heritage Conservation Districts (Part V of the Ontario Heritage Act)**

- § 103-3.1. Definitions.
- § 103-3.2. Application for permit; permits deemed to be issued.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-3.3. Compatibility with Guidelines and Heritage Conservation District Plan.

§ 103-3.4. Approval by Council.

§ 103-3.5. Delegation; Extension or waiver of timelines.

ARTICLE 4
Designated Properties under Part IV of the Act

§ 103-4.1. Definitions.

§ 103-4.2. Application; alterations.

§ 103-4.3. Application; repeal, in whole or part, of designating by-law, subsection 32 of the Act.

§ 103-4.4. Application; demolition of a Heritage Attribute, Section 34(1)1 of the Act.

§ 103-4.5. Application; demolition or removal of a building or structure, Section 34(1)2 of the Act.

§ 103-4.6. Approval by Council.

§ 103-4.7. Powers and duties of Chief Planner.

§ 103-4.8. Permits deemed to be issued.

§ 103-4.9. Conditions.

§ 103-4.10. Delegation; Extension or waiver of timelines.

§ 103-4.11. Delegation; Heritage Easement Agreements or covenants.

§ 103-4.12. Chief Planner Report on Part IV, Designations

ARTICLE 5
Inspectors

§ 103-5.1. Appointment of inspectors.

ARTICLE 6
Heritage Property Tax Rebate Program

§ 103-6.1. Definitions.

§ 103-6.2. Heritage property tax rebate.

§ 103-6.3. Additional eligibility criteria.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- § 103-6.4. Eligible maintenance and conservation work.
- § 103-6.5. Compliance with plans, standards and guidelines.
- § 103-6.6. Excluded work.
- § 103-6.7. Application process, step one; project proposal.
- § 103-6.8. Approval of project proposal; statement of authorized eligible expenses.
- § 103-6.9. Completion of project proposal.
- § 103-6.10. Application; step two; heritage property tax rebate application; approval.
- § 103-6.11. Approval of heritage property tax rebate application.
- § 103-6.12. Authorization.
- § 103-6.13. Penalties.
- § 103-6.14. Delegation.
- § 103-6.15. Program in effect.

ARTICLE 7
Listed Properties

- § 103-7.1. Definitions.
- § 103-7.2. Application; demolition; Listed Property.
- § 103-7.3. Objection; Listed Property.

ARTICLE 8
Delegation

- § 103-8.1. Definitions.
- § 103-8.2. Delegation in effect.
- § 103-8.3. Delegation; refusal.
- § 103-8.4. Delegation; notice of intention.
- § 103-8.5. Notice.
- § 103-8.6. Report.
- § 103-8.7. Delegation; Inclusion of Properties on Heritage Register.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

Schedule A

[History: Adopted by the Council of the City of Toronto January 31, 2019 by By-law 263-2019¹. Amendments noted where applicable.]

General References

Fees and charges - See Ch. 441.

City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.

Ontario Heritage Act - See R.S.O. 1990, c. O.18.

ARTICLE 1
Heritage Toronto

§ 103-1.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED FUNDS - Funds designated by a donor for a specific purpose.

GENERAL MANAGER - The City's General Manager of Economic Development and Culture.

HERITAGE TORONTO - The Toronto Historical Board.

MEMBER - A person appointed to the Board by Council.

TORONTO PRESERVATION BOARD - The Toronto Municipal Heritage Committee and its Community Preservation Panels.

UNDESIGNATED FUNDS - Operating funds allocated through the City's budget process or donated by members of the public for a non-specific purpose to be used for the general operations of Heritage Toronto.

§ 103-1.2. Name of Board.

The Toronto Historical Board shall be known as "Heritage Toronto" as continued under section 415 of the City of Toronto Act, 2006. **[Amended 2021-07-16 by By-law 670-2021]**

§ 103-1.3. Responsibilities.

Heritage Toronto shall be a local board and a body corporate having the following responsibilities:

- A. Provide advice from a community perspective to the City, civic organizations and members of the public regarding heritage issues.

¹ Editor's Note: By-law 263-2019 replaced Chapter 103, Heritage in its entirety.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- B. Promote and educate the public regarding heritage issues.
- C. Ensure that any privately donated funds received are applied to the specific purpose designated by the donor.
- D. Establish and manage publicity and public programs, including awards programs, respecting city-wide heritage issues and to otherwise promote public awareness of the City's heritage.
- E. Serve as a liaison with the heritage community and promote public awareness of the City's heritage resources.
- F. Serve as a focal point for volunteer sector groups.
- G. Assist and advise in the development of the Heritage Master Plan.
- H. Carry out such other duties relating to the City's history and development as the Council may assign.

§ 103-1.4. Membership; term; reappointment; vacancies; removal.

- A. Heritage Toronto Board shall be 23 members composed of:
 - (1) Mayor or designate appointed by the Mayor.
 - (2) One member of City Council.
 - (3) Twenty public members at large.
 - (4) One public member from the Aboriginal community.
- B. The persons appointed as members of Heritage Toronto shall hold office for a term consistent with the City's Public Appointments Policy.
- C. Members shall be eligible for reappointment.
- D. In the case of a vacancy for any cause, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.
- E. A member shall cease to be a member of Heritage Toronto if absent from three successive meetings of the Board without being authorized to do so by a resolution of Heritage Toronto entered in its minutes.

§ 103-1.5. Remuneration.

The members of Heritage Toronto shall serve without remuneration.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-1.6. Open meetings; quorum.

- A. All ordinary meetings of Heritage Toronto shall be open, and no person shall be excluded from a meeting except for improper conduct.
- B. A quorum shall consist of a simple majority of the members, excluding City Councillors who are members.

§ 103-1.7. Minutes; records.

Heritage Toronto shall keep minutes of its meetings and shall keep all papers and documents pertaining to the business of the Board, and all books, documents and files kept by Heritage Toronto shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.

§ 103-1.8. Officers; committees.

- 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. [Amended 2023-04-03 by By-law 288-2023]
- B. Heritage Toronto may establish committees to enlist public support for the work of Heritage Toronto.

§ 103-1.9. Frequency of meetings.

The Board shall meet at least four times in every calendar year and at any other time at the request of the Chair or a majority of the Board members.

§ 103-1.10. Budget; annual report.

- A. Heritage Toronto shall submit an annual budget of its estimated revenues and expenditures in a form satisfactory to the Chief Financial Officer and Treasurer, and, when money is provided by Council, the Chief Financial Officer and Treasurer shall pay out the money as Heritage Toronto may from time to time require.
- B. Immediately after the end of each year, Heritage Toronto shall submit its annual report to Council through the Audit Committee, including a complete audited and certified financial statement of its affairs, with a revenue and expense account, balance sheet and profit and loss statement, including private donations and the terms upon which any private donations were given during the preceding year.
- C. Quarterly variance reports shall be submitted to the City to explain any deviations from the approved budget.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- D. The City's external auditor shall be the Auditor of Heritage Toronto, and all books, documents, transactions, minutes and accounts of Heritage Toronto shall at all times be open to the Auditor's inspection.
- E. The cost of the audit shall be borne by Heritage Toronto.
- F. A copy of the audited statements shall be forwarded to the Audit Committee, the Chief Financial Officer and Treasurer, the Auditor General and the General Manager.
- G. Any designated funds shall be used by Heritage Toronto for the purpose specified by the donor.
- H. Heritage Toronto shall manage its operations within available financial resources and shall not incur a deficit on designated funds.
- I. In the event that Heritage Toronto incurs a deficit on undesignated funds, Council may require Heritage Toronto to adjust its operating budget, programs and activities to ensure that revenues and expenditures are financially sustainable.
- J. The City shall be responsible for the net operating deficits of Heritage Toronto.
- K. Heritage Toronto shall pay all net revenue from undesignated funds to the City.
- L. Any funds that are not designated shall be deemed to be undesignated funds.

§ 103-1.11. Legal obligations; management of property.

- A. Heritage Toronto shall not at any time act in a manner that is contrary to or inconsistent with any legal obligation of the City.
- B. Heritage Toronto shall not accept any donations of real property without the prior approval of Council which shall include the approval of the use and disposition of the property.
- C. The net proceeds of any real property transaction shall be retained by Heritage Toronto.
- D. Heritage Toronto shall adopt policies respecting sponsorships, naming rights and honourific names which are consistent with the policies adopted by Council.

§ 103-1.12. Conflicting provisions; conflicts of interest.

- A. To the extent of any conflict between this article and any by-laws of the former municipalities, this article prevails.
- B. To the extent of any conflict between this article and Article 2, Preservation Board; Community Local Architectural Conservation Advisory Committee Panels, Article 2 prevails.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- C. No member of Heritage Toronto nor any member of Council shall have any contract with Heritage Toronto or be monetarily interested, directly or indirectly, in any contract or work relating to the operations or functions of the Board.

ARTICLE 2
Preservation Board; Community Preservation Panels

§ 103-2.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT - Ontario Heritage Act, R.S.O. 1990, c. O.18. **[Amended 2021-07-16 by By-law 670-2021]**

BOARD - The Toronto Preservation Board established under § 103-2.2A.

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division, or their designate. **[Amended 2021-07-16 by By-law 670-2021]**

COMMUNITY COUNCIL - A committee of Council established under section 7 of the City of Toronto Act, 2006.

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. **[Amended 2021-07-16 by By-law 670-2021]**

HERITAGE PROPERTIES - Properties which are of cultural heritage value or interest. **[Amended 2021-07-16 by By-law 670-2021]**

HERITAGE REGISTER - The City's official register of Heritage Properties that are of cultural heritage value or interest. **[Amended 2021-07-16 by By-law 670-2021²]**

LISTED - Heritage Properties listed on the City of Toronto's Heritage Register, and "listing" has a corresponding meaning. **[Amended 2021-07-16 by By-law 670-2021]**

PANEL - A community preservation panel established under § 103-2.3A.

PROPERTY - Real property and includes all buildings and structures on the property.

STAFF - Employees of the City of Toronto.

² Editor's Note: By-law 670-2021 deleted the definition of "inventory of heritage properties" and replaced it with a definition for "heritage register". By-law 670-2021 also replaced all references to "inventory of heritage properties" with "heritage register" in Sections 103-2.2 and 103-2.3.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-2.2. Toronto Preservation Board.

- A. A municipal heritage committee to be known as the "Toronto Preservation Board" (the "Board") is established.
- B. Composition; qualifications.
- (1) The Board shall consist of the Chair or designate of each panel, seven public members to be appointed by Council and one member of Council.
 - (2) The public members appointed shall possess special interests or knowledge that will assist the Board in fulfilling its responsibilities, such as expertise in architecture, archaeology, planning, landscape architecture, local history, natural heritage, land development and law.
 - (3) The members shall hold office until their successors are appointed.
 - (4) Where a vacancy occurs for any reason, Council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which the predecessor was appointed.
 - (5) Despite Subsection B(3), a member who is absent for three consecutive meetings without reasonable excuse may be subject to removal from office.
- 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: **[Amended 2023-04-03 by By-law 288-2023]**
- (1) Designation of individual heritage properties and heritage conservation districts;
 - (2) Applications to alter, demolish or remove properties included on the Heritage Register;
 - (3) Applications to repeal by-laws which designate individual properties as heritage properties;
 - (4) Authorizing the Chief Planner to negotiate, and execute heritage easements or covenants on behalf of the City;
 - (5) If an objection is received for a listed property, advice with respect to whether the property meets one or more criteria as set out in a regulation for determining cultural heritage value or interest as prescribed by the Province;
 - (6) Where delegation to the Chief Planner under Section 103-8.7 does not apply, advice with respect to whether the property meets one or more criteria as set out in a regulation for determining cultural heritage value or interest as prescribed by the Province;

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (7) Cultural heritage landscape issues in respect of properties on the Heritage Register;
 - (8) Grants for the conservation of Heritage Properties; and
 - (9) Such other duties relating to heritage conservation issues as may be assigned to it by Council.
- D. The Board shall advise Council through the City's Planning and Housing Committee or its successor committee on City-wide heritage conservation matters set out in this article and through community councils on local heritage issues. **[Amended 2021-07-16 by By-law 670-2021]**
- E. Budget proposal; operating expenditures.
- (1) The Board shall submit, at a time satisfactory to the Chief Planner, an annual budget proposal.
 - (2) The Board shall not make or incur liability for any operating expenditure.
- F. The persons appointed to the Board, with the exception of members of Council, shall hold office for a maximum of two consecutive terms.
- G. Organization; meetings.
- (1) The Board shall, as soon as possible after the first meeting in each term, elect a Chair and Vice Chair.
 - (2) The Board shall meet at least 10 times in every calendar year and, in addition, at any time at the request of a majority of the members of the Board or at the call of the Chair.
 - (3) Minutes and records.
 - (a) The Board shall keep proper minutes and records of its meetings and shall keep all papers and documents pertaining to the business of the Board, and all books, documents and files kept by the Board shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.
 - (b) The Board shall forward true copies of the minutes and records to all members of the Board, the City Clerk and the Chief Planner as soon as possible after each meeting.
 - (4) A majority of the members of the Board, excluding members of Council, constitutes a quorum of the Board.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- H. The Board shall ensure that programs operated by the Board comply with City policies including access, equity and anti-racism.

§ 103-2.3. Community Preservation Panels.

- A. A community preservation panel is established for each area represented by a community council.
- B. Composition.
- (1) Each panel shall consist of a minimum of five and a maximum of 15 public members.
 - (2) The panel members shall be nominated by community council.
 - (3) Panel members shall possess special interests or knowledge that will assist the panel in fulfilling its responsibilities.
- C. Within its geographical area, each panel may: **[Amended 2023-04-03 by By-law 288-2023]**
- (1) Recommend properties within the local community which should be considered by the Chief Planner or the Board for inclusion on the Heritage Register;
 - (2) Monitor heritage properties, including those properties at risk, for review and discussion by the Board;
 - (3) Research properties to propose for inclusion on the Heritage Register;
 - (4) Provide for public awareness and promotion of issues relating to heritage properties, in co-operation with Heritage Toronto and other heritage groups, as required;
 - (5) Promote neighbourhood heritage and history;
 - (6) Arrange to erect plaques or markers, or both, on community sites of local interest;
 - (7) Provide for local community activities recognizing the efforts of citizens to protect, preserve or promote heritage properties;
 - (8) Co-ordinate related heritage activities with local museums, societies, the Toronto District School Board and similar organizations within the community (responsibility shared with the Board);
 - (9) Advocate, in co-operation with Heritage Toronto and other community heritage organizations, as required;
 - (10) Undertake such other duties relating to heritage preservation issues as may be assigned to it by Council; and

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (11) Report to the Toronto Preservation Board.
- D. The persons appointed to a panel shall hold office for a maximum of two consecutive terms.
- E. Despite Subsection D, a public member of a panel who served during the 2004-2006 term may serve for more than two consecutive terms.
- F. Organization; meetings; quorum.
- (1) Each panel shall, as soon as possible after the first meeting in each term, elect a Chair and Vice Chair.
 - (2) Each panel shall meet at least six times in every calendar year and, in addition, at any time at the request of a majority of the members of the panel or at the call of the Chair. Proper notice of panel meetings shall be given to each member of Council whose ward is located within the relevant community council area, not less than 7 days before the meeting date, with notice to include the agenda for the meeting, if any.
 - (3) Minutes and records.
 - (a) Each panel shall keep proper minutes and records of its meetings and shall keep all papers and documents pertaining to the business of the panel, and all books, documents and files kept by each panel shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.
 - (b) Each panel shall forward true copies of the minutes and records to all members of the panel, members of Council whose wards are located within the relevant community council area, the City Clerk and the Chief Planner as soon as possible after each meeting.
 - (4) Where a vacancy occurs for any reason, community council shall recommend appointing a person qualified to be a member, who shall hold office for the remainder of the term for which the predecessor was appointed.
 - (5) Members shall hold office until their successors are appointed.
 - (6) A majority of the members of a panel constitutes a quorum of the panel.
 - (7) Despite Subsection F(5), a member who is absent for three consecutive meetings without reasonable excuse may be subject to removal from office.
 - (8) Members of Council may attend all meetings of the Community Preservation Panel.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- G. The panels shall ensure that programs operated by each panel comply with City policies respecting access, equity and anti-racism.

§ 103-2.4. Conflicting provisions.

To the extent of any conflict between this article and any by-laws of the former municipalities, this article prevails.

ARTICLE 3

Heritage Permits in Heritage Conservation Districts (Part V of the Ontario Heritage Act)³

§ 103-3.1. Definitions.

[Amended 2021-07-16 by By-law 670-2021]

As used in this article, the following terms shall have the meanings indicated:

ACT - Ontario Heritage Act, R.S.O. 1990, c. O.18.

APPLICATION - An application made under Part V of the Act by the Applicant.

APPLICANT - An owner or a person authorized by an owner to submit an Application on behalf of the owner.

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate.

GUIDELINES - Guidelines adopted by Council or the council of a former municipality to assist in the conservation of cultural heritage value of interest of a heritage conservation district. For clarity, a reference to Guidelines is not a reference to the Heritage Conservation District Plan.

HERITAGE CONSERVATION DISTRICT - A heritage conservation district established under Part V of the Act.

HERITAGE CONSERVATION DISTRICT PLAN - A heritage conservation district plan adopted pursuant to Section 41.1 of the Act.

HERITAGE PERMIT - A permit issued by or on behalf of Council under section 42 of the Act.

³ Editor's Note: By-law 670-2021, enacted on July 16, 2021, deleted the former title of Article 3, "Heritage Permits in Heritage Conservation Districts", and replaced it with "Heritage Permits in Heritage Conservation Districts (Part V of the Ontario Heritage Act)".

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-3.2. Application for permit; permits deemed to be issued.

[Amended 2021-07-16 by By-law 670-2021⁴]

- A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, or to alter the external portions of such a building or structure, 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: **[Amended 2021-07-16 by By-law 670-2021]**
- (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) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) 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;

⁴ Editor's Note: By-law 670-2021 added a new Section 103-3.2B. By-law 670-2021 also renumbered previous Section 103-3.2B as Section 103-3.2C and previous Section 103-3.2C as Section 103-3.2D.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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 or 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 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.
- B. Upon receipt of a complete application under Subsection A, the Chief Planner shall serve a notice of receipt of application on the owner. **[Added 2021-07-16 by By-law 670-2021]**

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- C. Despite Subsection A, an application shall be deemed to have been made for work described in Subsection D. **[Amended 2021-07-16 by By-law 670-2021]**
- 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 same type of materials are used.
 - (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 a street.

§ 103-3.3. Compatibility with Guidelines and Heritage Conservation District Plan.⁵

- 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 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. **[Amended 2021-07-16 by By-law 670-2021]**
- B. Despite Subsection A, Council shall retain all powers and authority under Part V of the Act, and at any time prior to the issuance of a heritage permit, the ward councillor may, in writing, request the Chief Planner to submit a permit application to the appropriate community council and to Council for consideration. **[Amended 2021-07-16 by By-law 670-2021]**
- 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.

⁵ Editor's Note: By-law 670-2021, enacted on July 16, 2021, deleted the former title of Section 103-3.3, "compatibility with guidelines", and replaced it with "compatibility with guidelines and heritage conservation district plan".

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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. **[Amended 2021-07-16 by By-law 670-2021]**
- D. If the alterations proposed in an Application do conflict with 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 and to Council for consideration; and **[Amended 2021-07-16 by By-law 670-2021]**
- E. This section shall not apply to alterations for which a heritage permit is deemed to be issued under § 103-3.2C.

§ 103-3.4. Approval by Council.

[Added 2021-07-16 by By-law 670-2021⁶]

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 under Part V of the Act;
- B. An Application to erect, demolition or remove any building or structure, including landscape features on the Property or permit the erection, demolition or removal of such building or structure, including landscape features on the Property within a Heritage Conservation District under Part V of the Act.

§ 103-3.5. Delegation; Extension or waiver of timelines.

[Added 2021-07-16 by By-law 670-2021]

- A. The Chief Planner is authorized, at any point of time, to agree in writing with the Applicant to the extension of any time limit, or agree that any time limit does not apply, within which Council must make a decision for any Application under Part V of the Act.

⁶ Editor's Note: By-law 670-2021 deleted former Section 103-3.4. Extension of time limits and replaced it with Section 103-3.4. Approval by Council.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

ARTICLE 4

Designated Properties under Part IV of the Act

[Amended 2021-07-16 by By-law 670-2021^{7,8}]

§ 103-4.1. Definitions.

[Added 2021-07-16 by By-law 670-2021]

As used in this article, the following terms shall have the meanings indicated:

ACT - Ontario Heritage Act, R.S.O. 1990, c. O.18.

APPLICATION - An application made under Part IV of the Act by the Applicant.

APPLICANT - An owner or a person authorized by an owner to submit an Application on behalf of the owner.

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate.

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; or
- B. A heritage easement agreement; or
- C. A maintenance and conservation agreement.

HERITAGE EASEMENT AGREEMENTS 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.

HERITAGE PROPERTY - Properties which are of cultural heritage value or interest.

HERITAGE REGISTER - The City's official register of properties that are of cultural heritage value or interest.

⁷ Editor's Note: By-law 670-2021 deleted the former title of Article 4, "Heritage Permits for Designated Property", and replaced it with "Designated Properties under Part IV of the Act". By-law 670-2021 also renumbered former Sections 103-4.4, 103-4.5 and 103-4.6 as Sections 103-4.7, 103-4.8 and 103-4.9.

⁸ Editor's Note: By-law 670-2021 deleted former Section 103-4.2. Application; demolition; added new Section 103-4.1. Definitions and renumbered former Section 103-4.1. Application; alterations as Section 103-4.2; added new Section 103-4.3. Application; repeal, in whole or part, of designating by-law, subsection 32 of the Act and renumbered former Section 103-4.3. Approval by Council as Section 103-4.6; added new Section 103-4.4 and renumbered former Section 103-4.4. Powers and duties of Chief Planner and Executive Director as Section 103-4.7; renumbered former Section 103-4.5. Permits deemed to be issued as Section 103-4.8. By-law 670-2021 also renumbered former Sections 103-4.4. Powers and duties of Chief Planner and Executive Director, 103-4.5. Permits deemed to be issued and 103-4.6. Conditions as Sections 103-4.7, 103-4.8 and 103-4.9.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

PROPERTY - Real property and includes all buildings and structures on the property.

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

§ 103-4.2. Application; alterations.

[Amended 2021-07-16 by By-law 670-2021]

- A. Any person wishing to alter, renovate, restore or erect a building or structure or to alter a heritage landscape 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) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) 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 Property's building(s) or structure(s) proposed to be altered, including, but not limited to, 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 explanations of:
 - (a) the extent of the proposed works;

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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 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 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.

§ 103-4.3. Application; repeal, in whole or part, of designating by-law, subsection 32 of the Act.

[Added 2021-07-16 by By-law 670-2021]

- A. Any person wishing to repeal a designation by-law of all, or part, of a Property that is 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:

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) the date of construction of all buildings or structures on the Property.
- (2) If the repeal of the designation by-law is on part of the Property, the following information is required:
- (a) a legal description of the Property that will continue to remain subject to the designation by-law, should the repeal be authorized, including a draft reference plan;
 - (b) A site plan or sketch showing the location of the location of each existing building(s) or structure(s), including landscape features that will continue to be subject of the designation by-law, should the repeal be authorized;
 - (c) The reasons why the designation by-law is being repealed, in part, on the Property;
 - (d) The potential impact on the Heritage Attributes of Property;
 - (e) The potential impact on the cultural heritage value or interest of the Property;
 - (f) If the Council or the applicable Tribunal has authorized the demolition or removal of a building(s) or structure(s) or Heritage Attribute(s) (as the case may be), Subsection A(2)(c), (d) and (e) are not applicable; and
 - (g) If Subsection A(2)(f) is applicable, a revised draft designation by-law that complies with the Act is required, including a request to the Chief Planner for an amendment to the designation by-law under Section 30.1 of the Act.
- (3) If the repeal of the designation by-law is all of the Property, the following information is required:
- (a) an explanation as to why the Property no longer constitutes a Property of cultural heritage value or interest under the Act;

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (b) The reasons why the designation by-law is being repealed, in part, on the Property; and
- (c) If the Council or the applicable Tribunal has authorized the demolition or removal of a building(s) or structure(s) or Heritage Attribute(s) (as the case may be), Subsections A(3)(a) and (b) are not applicable.
- (4) A site plan or sketch showing the location of each existing building(s) or structure(s), including landscape features on the Property.
- (5) A statement of why the repeal of the designation by-law, in whole or in part, is being requested.
- (6) Recent photographs that depict all elevations of the existing building(s) or structure(s), including landscape features 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).
- (8) A copy of the designation by-law of the Property.
- (9) If applicable, the registration instrument number on title to the Property of the Heritage Easement Agreement or Covenant for the Property.
- (10) A signed statement by the owner authorizing the Application.
- (11) An affidavit or a sworn declaration by the Applicant certifying that the information required under this section and provided by the Applicant is accurate.

§ 103-4.4. Application; demolition of a Heritage Attribute, Section 34(1)1 of the Act.

[Added 2021-07-16 by By-law 670-2021]

- A. Any person wishing to demolish or remove a Heritage Attribute on a Property that is 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;

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) 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 and Heritage Attributes of the Property.
- (3) A statement of the proposed scope of work.
- (4) Drawings and written specifications of the Heritage Attribute(s) proposed to be demolished or removed on the Property, including, but not limited to materials, colours, dimensions, massing and extent of the work.
- (5) A written description of the Property.
- (6) A written description of the proposed works including explanations of:
- (a) the extent of the proposed works;
 - (b) the reasons for the proposed demolition or removal of the Heritage Attribute(s) on the Property;
 - (c) the potential impact on, and the integrity of, the Heritage Attributes of 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 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 demolition or removal of Heritage Attribute(s) on the Property.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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.

§ 103-4.5. Application; demolition or removal of a building or structure, Section 34(1)2 of the Act.

[Added 2021-07-16 by By-law 670-2021]

- A. Any person wishing to demolish or remove a building or structure on a Property that is 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) any former or current applications under the Act, Planning Act, Building Code Act or City of Toronto Act as they relate to the Property;
 - (d) whether the Property is subject to a designation under any other part of the Act; and
 - (e) 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 and Heritage Attributes of the Property.
 - (3) A statement of the proposed scope of work.
 - (4) Drawings and written specifications of the building(s) or structure(s) proposed to be demolished or removed on the Property.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (5) A written description of the Property.
- (6) A written description of the proposed works including explanations of:
 - (a) the extent of the proposed works;
 - (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 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 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 demolition or removal the Property, including but not limited to a building condition assessment of the building or structure proposed to be demolished or removed.
- (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.

§ 103-4.6. Approval by Council.

[Amended 2021-07-16 by By-law 670-2021]

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;

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- 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 building or structure on Property designated under Part IV of the Act; and
- E. Any requests made under an existing Heritage Easement Agreement to alter, renovate, restore or improve any feature of a Heritage Attribute that do not fall within the Chief Planner's authority to approve under § 103-4.7(B).

§ 103-4.7. Powers and duties of Chief Planner.

[Amended 2021-07-16 by By-law 670-2021]

Despite § 103-4.6 the Chief Planner shall review or cause to be reviewed all Applications under this article and is authorized to:

- A. Approve Applications for minor repairs, alterations and improvements that maintain the heritage character of the Property provided that: **[Amended 2021-07-16 by By-law 670-2021⁹]**
 - (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; **[Amended 2021-07-16 by By-law 670-2021]**
 - (b) Guidelines for heritage conservation issued by the Ontario Minister of Culture and the Government of Canada;
 - (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 a public right-of way or public park.
 - (2) The work is replacement where repair is not feasible and the replacement work utilizes the same types of materials as the original exterior heritage fabric.

⁹ Editor's Note: By-law 670-2021 deleted former Subsection A(1) and renumbered former Subsections A(2) and (3) as Subsections A(1) and (2). By-law 670-2021 also renumbered former Subsections A(4) to (7) as Subsections A(2)(c)(1) to (4).

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (3) The façade or building restorations is 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: **[Amended 2021-07-16 by By-law 670-2021]**
 - (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.
- C. 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: **[Amended 2021-07-16 by By-law 670-2021]**
 - (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.
- D. Upon receipt of a complete application under § 103-4.3, the Chief Planner shall serve a notice of receipt of application on the owner. **[Amended 2021-07-16 by By-law 670-2021]**

§ 103-4.8. Permits deemed to be issued.

- A. Despite §§ 103-4.6 and 103-4.7 an application shall be deemed to have been made for work described in Subsection B. **[Amended 2021-07-16 by By-law 670-2021]**
- 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: **[Amended 2021-07-16 by By-law 670-2021]**
 - (1) Painting of wood, metal finishes or existing painted or new stucco; **[Amended 2021-07-16 by By-law 670-2021]**
 - (2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances,

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used;

- (3) Installation or repair of eavestroughs and downspouts; **[Amended 2021-07-16 by By-law 670-2021]**
- (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.

§ 103-4.9. 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.
 - (3) The permit holder shall advise Heritage Planning upon completion of the work. **[Amended 2021-07-16 by By-law 670-2021]**
 - (4) Such other terms and conditions as the Chief Planner deems necessary to maintain the heritage character of the Property. **[Amended 2021-07-16 by By-law 670-2021]**
- B. Despite anything in this article, Council shall retain all authority under Part IV of the Ontario Heritage Act and at any time prior to the issuance of a permit the local Councillor may request in writing that the Chief Planner submit the heritage permit application to the appropriate community council and Council for consideration. **[Amended 2021-07-16 by By-law 670-2021]**
- C. This section does not apply to alterations for which a permit is deemed to be issued under § 103-4.7. **[Amended 2021-07-16 by By-law 670-2021]**

§ 103-4.10. Delegation; Extension or waiver of timelines.

[Added 2021-07-16 by By-law 670-2021]

- A. The Chief Planner is authorized, at any point of time, to agree in writing with the Applicant to the extension of any time limit under the Act, or agree that any time limit

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

does not apply within which Council must make a decision under the Act for any of the following:

- (1) the exception to prescribed event in subsection 29(1.2) of the Act.
- (2) the prescribed circumstances to subsection 29(8)1 of the Act.
- (3) an Application under section 32 of the Act.
- (4) an Application under section 33 of the Act.
- (5) an Application under section 34 of the Act.
- (6) as may be otherwise permitted or prescribed under the Act.

§ 103-4.11. Delegation; Heritage Easement Agreements or covenants.

[Added 2021-07-16 by By-law 670-2021]

- 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.

§ 103-4.12. Chief Planner Report on Part IV, Designations

[Added 2021-07-16 by By-law 670-2021]

- A. The Chief Planner shall report to the Planning and Housing Committee, in consultation with the Toronto Preservation Board, for any recommendations on designations of a Property under Section 29 of the Act.

**ARTICLE 5
Inspectors**

§ 103-5.1. Appointment of inspectors.

- A. Persons holding the following positions are authorized to carry out inspections of property designated or proposed to be designated under Parts IV and V of the Ontario Heritage Act: **[Amended 2021-07-16 by By-law 670-2021]**

- (1) Senior Manager, Heritage Planning.
- (2) Program Managers.
- (3) Senior Heritage Planners.
- (4) Heritage Planners.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (5) Assistant Heritage Planners.
- B. The persons authorized to carry out inspections under Subsection A may be accompanied by a person who has special or expert knowledge in relation to the property.

ARTICLE 6
Heritage Property Tax Rebate Program

§ 103-6.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT - Ontario Heritage Act, R.S.O. 1990, c. O.18. [**Amended 2021-07-16 by By-law 670-2021**]

ADDITIONAL ELIGIBILITY CRITERIA - The criteria as set out in § 103-6.3 that must be met in order for a property to qualify as an eligible heritage property.

APPLICANT - An owner or a person authorized by an owner to submit a heritage property tax rebate application on behalf of the owner.

APPLICATION PROCESS - The two step process, inclusive of a project proposal and heritage property tax rebate application, in accordance with § 103-6.7.

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate. [**Added 2021-07-16 by By-law 670-2021¹⁰**]

CONTRIBUTING RESOURCE - A property or feature within a heritage conservation district that is deemed to contribute to the cultural heritage value and character of the district, as identified in the heritage conservation district plan.

ELIGIBLE HERITAGE PROPERTY - A property or portion of a property that:

- A. Is designated under Part IV of the Act or Part V of the Act; and
- B. Complies with the additional eligibility criteria set out in § 103-6.3; and
- C. Is subject to:
- (1) A heritage easement agreement with the City under section 37 of the Act; or
 - (2) A heritage easement agreement with the Ontario Heritage Trust under section 22 of the Act; or

¹⁰ Editor's Note: By-law 670-2021 deleted all references to the title "Chief Planner and Executive Director" in this Article and replaced it with the title "Chief Planner".

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (3) A maintenance and conservation agreement with the City under section 334 of the City of Toronto Act.

ELIGIBLE COSTS - Costs that are:

- A. Incurred by an owner for the undertaking of eligible maintenance and conservation work and approved by the Senior Manager in a statement of authorized eligible expenses; and
- B. Equivalent to no less than 20 percent of the property tax for the eligible heritage property in the year for which a heritage property tax rebate is applied for.

ELIGIBLE MAINTENANCE AND CONSERVATION WORK - Work approved in a statement of authorized eligible expenses that is required to repair, restore, preserve, rehabilitate and stabilize the identified heritage attributes of an eligible heritage property as well as any of the following structural elements that support or protect identified heritage attributes: exterior walls and facades, roofs, foundations, chimneys, exterior stairs, windows and doors, in accordance with § 103-6.4.

GROSS FLOOR AREA - The sum of the total area of each floor level, above and below the ground, measured from the exterior of the main wall of each floor level of a building or structure.

HERITAGE ATTRIBUTES - Those portions of an eligible 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; or
- B. A heritage easement agreement; or
- C. A maintenance and conservation agreement; or
- D. A heritage conservation district plan under Part V of the Act.

HERITAGE CONSERVATION DISTRICT - A geographically defined area designated under Part V of the Act.

HERITAGE EASEMENT AGREEMENT - A registered agreement entered into under section 22 or section 37 of the Act.

HERITAGE PERMIT:

- A. A permit issued by Council under section 42 of the Act; or
- B. The consent of Council given under section 33(1) of the Act.

HERITAGE PROPERTY TAX REBATE APPLICATION - The second step in the application process as set out in § 103-6.10.

HERITAGE PROPERTY TAX REBATE - A property tax rebate in respect of an eligible heritage property issued in accordance with this article.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

SENIOR MANAGER - The Senior Manager of Heritage Planning. [Amended 2021-07-16 by By-law 670-2021¹¹]

MAINTENANCE AND CONSERVATION AGREEMENT - A registered agreement for the maintenance and conservation of eligible heritage properties under section 334(2)(c) of the City of Toronto Act.

OWNER - The registered owner of an eligible heritage property.

PROJECT PROPOSAL - The first step of the application process as set out in § 103-6.7.

PROPERTY TAX - The annual taxes levied on a property for municipal and school purposes that are attributable to the eligible heritage property, and the land used in connection with the eligible heritage property, as determined by the City.

STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA - The Standards and Guidelines for the Conservation of Historic Places in Canada as adopted by Council and as amended from time to time.

STATEMENT OF AUTHORIZED ELIGIBLE EXPENSES - A statement issued by the Senior Manager in accordance with § 103-6.8.

§ 103-6.2. Heritage property tax rebate.

- A. The heritage property tax rebate in respect of an eligible heritage property designated under Part IV of the Act shall be a maximum annual rebate of 40 percent of the property tax within an application year subject to:
- (1) A maximum rebate of 50 percent of the eligible costs; and
 - (2) An annual cap of \$500,000 or such other amount as may be approved by Council through the annual budget process for the City Planning Division.
- B. The heritage property tax rebate in respect of an eligible heritage property designated under Part V of the Act shall be a maximum rebate of 40 percent of the property tax subject to:
- (1) A maximum rebate of 50 percent of the eligible costs;
 - (2) An annual cap of \$50,000 or such other amount as may be approved by Council through the annual budget process for the City Planning Division; and
 - (3) A maximum availability of two consecutive years within the term of a five year maintenance and conservation agreement.

¹¹ Editor's Note: By-law 670-2021 deleted all references to the title "manager" in this Article and replaced it with the title "Senior Manager".

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-6.3. Additional eligibility criteria.

In order for a property to qualify as an eligible heritage property the following additional eligibility criteria must be met:

- A. A property designated under Part IV of the Act must be a commercial or industrial class property as prescribed under the Assessment Act, R.S.O. 1990, c. A.31, with a minimum of 50 percent of the current value assessment applied to the calculation of commercial or industrial taxes.
- B. A property designated under Part V of the Act must be a contributing resource within the commercial or industrial class as prescribed under the Assessment Act, with a minimum of 50 percent of the current value assessment applied to the calculation of commercial or industrial taxes.
- C. Eligible maintenance and conservation work undertaken in the year for which a heritage property tax rebate is applied for must be equivalent to no less than 20 percent of the property tax for the eligible heritage property.
- D. The designated property, including all facades facing a street or open space and at least 50 percent of the gross floor area related to or supporting the heritage attributes must be retained.
- E. A building or structure related to or supporting heritage attributes must not have been:
 - (1) Substantially or completely disassembled; or
 - (2) Substantially or completely reconstructed; or
 - (3) Relocated from its original property.
- F. Where an application is related to development, interior or exterior structural alterations, or any alterations affecting the structure or gross floor area of an eligible heritage property:
 - (1) 50 percent of the existing gross floor area related to, or supporting the heritage attributes must be retained; and
 - (2) 50 percent of the existing exterior walls, plus all facades facing a right of way or open space must be retained as exterior walls.
- G. The property must be subject to the payment of taxes and not a payment in lieu of tax.
- H. The property must be in compliance with the heritage easement agreement or maintenance and conservation agreement and all applicable legislation, building and zoning by-laws.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- I. The property must not be subject to any work orders, deficiency notices, outstanding accounts, fines, arrears of taxes, fees or penalties.
- J. Where a property is eligible for a property tax rebate under any other City program, the amount of any such rebates received by the owner shall be deducted from the property tax prior to the calculation of the heritage property tax rebate.

§ 103-6.4. Eligible maintenance and conservation work.

Eligible maintenance and conservation work must be approved in a statement of authorized eligible expenses under § 103-6.8 prior to commencement of the work and subject to Schedule A of this chapter, includes the following:

- A. Work required to repair, restore and preserve an eligible heritage property.
- B. Restoration of lost historic features of an eligible heritage property where sufficient documentary evidence exists to replace the lost features with new elements that match the lost features in form, materials, and detailing.
- C. Engineering or architectural drawings and studies focused on conservation, provided that such studies are required to direct the eligible maintenance and conservation work and provided that the related eligible maintenance and conservation work is undertaken and completed to the satisfaction of the Senior Manager.

§ 103-6.5. Compliance with plans, standards and guidelines.

- A. Eligible maintenance and conservation work must be consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada (2010) and must comply with all additional requirements of the heritage property tax program as set out in this article.
- B. Where an eligible heritage property is within a heritage conservation district, eligible maintenance and conservation work must be in compliance with the in-force heritage conservation district plan and associated guidelines.

§ 103-6.6. Excluded work.

Eligible maintenance and conservation work does not include:

- A. The types of work set out in Schedule A.
- B. Any work resulting from the types of work set out in Schedule A.
- C. Any work commenced prior to the issuance of a statement of authorized eligible expenses in accordance with § 103-6.8.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-6.7. Application process, step one; project proposal.

An owner or applicant wishing to apply for a heritage property tax rebate shall submit the following information to the satisfaction of the Senior Manager by August 31 in the calendar year in which the proposed work will be completed:

- A. A completed project proposal form and supporting documents including:
- (1) Name, address, telephone number, fax number and e-mail address of the owner and applicant;
 - (2) Municipal address of the eligible heritage property;
 - (3) Total current value assessment of the eligible heritage property for the taxation year to which the application applies, including confirmation that a minimum of 50 percent of the current value assessment is applied to the calculation of commercial or industrial taxes;
 - (4) Total property tax levied on the property for the taxation year to which the application applies and a copy of the most recent tax bill for the property;
 - (5) A copy of any registered heritage easement agreement or maintenance and conservation agreement or a letter requesting approval to enter into a heritage easement agreement or maintenance and conservation agreement;
 - (6) Photographs of the eligible heritage property in its current state;
 - (7) A scope of work for the proposed eligible maintenance and conservation work;
 - (8) Detailed specifications of all proposed eligible maintenance and conservation work;
 - (9) Complete architectural plans and elevations for proposed eligible maintenance and conservation work that involves development, interior or exterior structural alterations, or any alterations affecting the structure or gross floor area of the eligible heritage property, documenting compliance with § 103-6.3F;
 - (10) Detailed cost estimates for all proposed eligible maintenance and conservation work, detailed by each specialized trade and/or type of work.

§ 103-6.8. Approval of project proposal; statement of authorized eligible expenses.

Upon approval of a project proposal by the Senior Manager, the Senior Manager will issue a statement of authorized eligible expenses indicating what proposed work and material costs constitute eligible maintenance and conservation work and eligible costs.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-6.9. Completion of project proposal.

- A. All eligible maintenance and conservation work must be completed in accordance with the statement of authorized eligible expenses, the requirements of the Act, including the obtaining of all required building permits, the heritage easement agreement or maintenance and conservation agreement, and all other requirements of the heritage property tax rebate program as provided for in this article, to the satisfaction of the Senior Manager.
- B. In the event that the eligible maintenance and conservation work cannot be completed as approved in the statement of authorized eligible expenses, provided that the eligible maintenance and conservation work has not commenced, the Senior Manager may issue a revised statement of authorized eligible expenses based on the submission of a revised scope of work to the satisfaction of the Senior Manager.

§ 103-6.10. Application; step two; heritage property tax rebate application; approval.

Upon completion of the eligible maintenance and conservation work in accordance with § 103-6.9, an owner or applicant wishing to apply for a heritage property tax rebate shall submit the following information to the satisfaction of the Senior Manager, no later than the last day of February in the year following the year for which the owner is requesting a heritage property tax rebate:

- A. A completed heritage property tax rebate form.
- B. If not previously submitted, a copy of the heritage easement agreement or maintenance and conservation agreement, or an acknowledgment that the required heritage easement agreement or maintenance and conservation agreement shall be registered prior to issuance of any heritage property tax rebate.
- C. A copy of the statement of authorized eligible expenses.
- D. A copy of the property tax bill for the year in which the eligible maintenance and conservation work was completed with proof of payment.
- E. Photographs of the eligible heritage property showing the completed eligible maintenance and conservation work.
- F. Invoices for the eligible maintenance and conservation work completed within the previous tax year, marked as paid, with a breakdown of costs by each skilled trade and/or type of work.
- G. A certificate of insurance showing that the eligible heritage property is insured in accordance with the heritage easement agreement or the maintenance and conservation agreement.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-6.11. Approval of heritage property tax rebate application.

The Senior Manager will issue instructions to Revenue Services to process the heritage property tax rebate upon:

- A. Verification that the eligible maintenance and conservation work has been completed in accordance with the statement of authorized eligible expenses and all additional requirements of the heritage property tax program as set out in this article, to the satisfaction of the Senior Manager.
- B. Submission of a copy of the heritage easement agreement or maintenance and conservation agreement with registration particulars if not previously submitted.
- C. Receipt of the owner's acknowledgement in writing that the heritage property tax rebate as determined in accordance with this article is in full satisfaction of the heritage tax rebate for the applicable year.
- D. Submission, if requested, of written confirmation from a qualified heritage consultant that the authorized eligible maintenance and conservation work has been completed in accordance with the requirements of the statement of authorized eligible expenses.

§ 103-6.12. Authorization.

The owner of an eligible heritage property may retain the benefit of any heritage property tax rebate despite the provision of any lease or other agreement relating to the eligible heritage property, or may authorize the City, in writing, to pay the heritage property tax rebate to a lessee of the eligible heritage property.

§ 103-6.13. Penalties.

- A. The owner of an eligible heritage property shall repay all or any part of the heritage property tax rebate, as determined by the City, where there are outstanding work orders, municipal fines, arrears of taxes, fees or penalties assessed against the owner.
- B. If the owner of an eligible heritage property who has received a heritage property tax rebate alters, demolishes or removes the eligible heritage property in breach of the requirements of the Act, or breaches the terms of a heritage easement agreement or maintenance and conservation agreement, the owner shall repay all or part of the heritage property tax rebate, as determined by the Senior Manager.
- C. The owner of an eligible heritage property shall pay interest on the amount of any repayment required under Subsections A or B at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the bank listed in Schedule I of the Bank Act (Canada) calculated from the date the heritage property tax rebate was issued.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-6.14. Delegation.

The Chief Planner is authorized to negotiate and sign heritage easement agreements and maintenance and conservation agreements entered into for purposes of compliance with the requirements of this article.

§ 103-6.15. Program in effect.

The heritage property tax rebate program shall continue at the pleasure of Council and may be terminated at any time, without prior notice.

ARTICLE 7
Listed Properties

§ 103-7.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT - Ontario Heritage Act, R.S.O. 1990, c. O.18. [Added 2021-07-16 by By-law 670-2021]

APPLICANT - An owner or a person authorized by an owner to submit an application on behalf of the owner. [Added 2021-07-16 by By-law 670-2021]

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate. [Added 2021-07-16 by By-law 670-2021¹²]

HERITAGE REGISTER - The City's official register of properties that are of cultural heritage value or interest. [Amended 2021-07-16 by By-law 670-2021¹³]

LISTED PROPERTIES - Properties included in the Heritage Register that have not been designated but that Council considers to be of cultural heritage value or interest.¹⁴

§ 103-7.2. Application; demolition; Listed Property.

A. Any person wishing to demolish or remove a building or structure on a Listed Property shall provide at least 60 days' notice of intention to demolish in the prescribed form to the Chief Planner and shall supply the following information:

- (1) A completed Notice of Intention to Demolish a Listed Property in the prescribed form signed by the owner or the owner's representative, authorized in writing;

¹² Editor's Note: By-law 670-2021 deleted all references to the title "Chief Planner and Executive Director" in Section 103-7.2 and replaced it with the title "Chief Planner".

¹³ Editor's Note: By-law 670-2021 deleted the definition of "inventory of heritage properties" and replaced it with "heritage register". By-law 670-2021 also replaced all references to "inventory of heritage properties" with "heritage register" in Section 103.7.1.

¹⁴ Editor's Note: By-law 670-2021, enacted on July 16, 2021, deleted all references to "Listed Building" and replaced it with "Listed Property" in Section 103-7.2.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (2) A site plan or sketch showing the location of the proposed demolition or removal;
 - (3) Photographs showing the existing building condition including front, side and rear elevations; and
 - (4) All technical cultural heritage and/or engineering studies that are relevant and required, as determined by the Chief Planner, to the proposed demolition or removal of the building or structure on the Property. **[Added 2021-07-16 by By-law 670-2021]**
- B. The sixty-day notice period shall commence upon submission of the information required in Subsection A to the satisfaction of the Chief Planner.

§ 103-7.3. Objection; Listed Property.

[Added 2021-07-16 by By-law 670-2021]

- 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. **[Amended 2023-04-03 by By-law 288-2023]**
- B. Any objection to a Listed Property submitted to the City Clerk shall contain the following information:
- (1) Name, address, telephone number, and e-mail address of the owner and Applicant;
 - (2) Municipal address(es) of the Listed Property; and
 - (3) Reasons for the objections and any relevant facts related to the Listed Property.
- C. Reserved.¹⁵

¹⁵ Editor's Note: By-law 288-2023, enacted on April 3, 2023, deleted Section 103-7.3C respecting a Listed Property included in the Heritage Register on or before June 30, 2021.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

ARTICLE 8
Delegation

[Amended 2021-07-16 by By-law 670-2021¹⁶]

§ 103-8.1. Definitions.

[Added 2021-07-16 by By-law 670-2021]

As used in this article, the following term(s) shall have the meanings indicated:

CHIEF PLANNER - The City's Chief Planner and Executive Director, City Planning Division or their designate.¹⁷

LISTED PROPERTIES - Properties included in the Heritage Register that have not been designated but that Council considers to be of cultural heritage value or interest;

§ 103-8.2. Delegation in effect.

The authority delegated to the Chief Planner under this article shall be in effect during any period of time where the regular meeting schedule for Council, Community Councils or the Toronto Preservation Board precludes Council from consulting with the Toronto Preservation Board and responding to notices and applications under the Ontario Heritage Act within legislated response periods including:

- A. Election periods;
- B. Summer Recess; and
- C. Periods of labour disruption.

§ 103-8.3. Delegation; refusal.

The Chief Planner shall refuse:

- A. Applications to repeal designating by-laws;
- B. Applications to erect, alter or demolish buildings or structures on properties designated under Part IV or Part V of the Ontario Heritage Act.

¹⁶ Editor's Note: By-law 670-2021 added new Section 103-8.1. Definitions and renumbered former Section 103-8.1. Delegation in effect as Section 103-8.2, former Section 103-8.2. Delegation; refusal as Section 103-8.3, and former Section 103-8.3. Delegation; notice of intention as Section 103-8.4.

¹⁷ Editor's Note: By-law 670-2021, enacted on July 16, 2021, deleted all references to the title "Chief Planner and Executive Director" in Section 103-7.2 and replaced it with the title "Chief Planner".

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

§ 103-8.4. Delegation; notice of intention.

[Amended 2021-07-16 by By-law 670-2021¹⁸]

The Chief Planner shall give notice of intention to designate listed properties where a notice of intention to demolish a Listed Property is received in accordance with § 103-7.2.

§ 103-8.5. Notice.

The City Clerk shall give notice of decisions made by the Chief Planner in accordance with § 162-4.1 of Chapter 162, Notice, Public.

§ 103-8.6. Report.

[Amended 2021-07-16 by By-law 670-2021]

The Chief Planner shall report to City Council through the Toronto Preservation Board and Planning and Housing Committee or Community Councils during the first regularly scheduled meeting cycle following any period of delegation with a list of applications and notices received and decisions made during the period of delegation.

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

[Added 2023-04-03 by By-law 288-2023]

- A. If an application is made to the City under sections 22, 34 or 51 of the Planning Act, the Chief Planner may include all or any part of the property that is subject of the application made under the Planning Act on the Heritage Register as a Listed Property, if the Chief Planner believes the property to be of cultural heritage value or interest and the property meets two or more of the prescribed criteria under the Ontario Heritage Act.
- B. Despite § 103-8.7A, the Chief Planner may not include a property on the Heritage Register where City Council has:
 - (1) considered an objection to the Listed Property and has directed the removal of the Listed Property from the Heritage Register in consideration of that objection; or
 - (2) considered an objection to the Notice of Intention to Designate and has directed the withdrawal of the Notice of Intention to Designate as it relates to the property and the removal of the property from the Heritage Register.
- C. Where a property is included in the Heritage Register in accordance with § 103-8.7A, the Chief Planner shall:

¹⁸ Editor's Note: By-law 670-2021, enacted on July 16, 2021, deleted former Section 103-8.4. Delegation; extension. By-law 670-2021 also renumbered Section 103-8.3. Delegation; notice of intention as Section 103-8.4.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (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.

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

Schedule A

- A. New construction that is not restoration;
- B. Electrical and wiring;
- C. Plumbing and sprinklers;
- D. Heating, air conditioning and ventilation;
- E. New windows, doors and fixtures except when restoring historic features that are lost, but for which sufficient documentary evidence exists to replace the lost features with new elements that match the lost features in form, materials, and detailing;
- F. Carpeting;
- G. Window treatments;
- H. Furniture or chattels;
- I. Decks;
- J. Demolition;
- K. Building moving;
- L. Additions of new features, fixtures or fittings;
- M. Waterproofing or underpinning;
- N. Landscaping, fencing or paving not associated with the restoration or maintenance of heritage attributes or features;
- O. Lighting;
- P. Signage;
- Q. Financing, acquisition or leasing costs;
- R. Upgrades for accessibility, thermal performance or compliance with the Ontario Building Code;
- S. Development feasibility studies;
- T. Heritage studies required as part of an agreement or development application under the Planning Act.
- U. Work required by the City of Toronto in accordance with:

TORONTO MUNICIPAL CODE
CHAPTER 103, HERITAGE

- (1) An agreement under section 37 of the Planning Act;
- (2) An existing zoning by-law amendment or required as a condition of zoning by-law approval; or
- (3) Secured in a heritage easement agreement.