The Corporation of the City of Kawartha Lakes

Agenda

Kawartha Lakes Municipal Heritage Committee Meeting

KLMHC2020-06

Thursday, October 8, 2020

This meeting with commence at 5pm - electronic participation only.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Ron Ashmore
Ann Adare
William Bateman
Dorothy Carroll
Jim Garbutt
Athol Hart
Rob Macklem
Ian McKechnie
Wayne Purdy
Joan Skelton
Michael Sloboda

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

		Pages
1.	Call to Order	
2.	Administrative Business	
2.1.	Adoption of Agenda	
2.2.	Declaration of Pecuniary Interest	
2.3.	Adoption of Minutes	4 - 10
3.	Presentations and Deputations	
3.1.	Records and Archives Presentation	11 - 12
	Report KLMHC2020-14	
	Presentation on the City's Archives and Records Program	
3.2.	Heritage Signs Presentation	13 - 14
	Report KLMHC2020-24	
	Presentation on commercial signage for heritage properties	
3.3.	Proposed Development on Lindsay Street South 	
	Deputation	
	Paul Orchard	
4.	Reports	
4.1.	Report KLMHC2020-23	15 - 21
	Report KLMHC2020-23 Thornhill Road Development Site Plan Approval - 1st Submission	
4.2.	Report KLMHC2020-25	22 - 61
	Report KLMHC2020-25 Proposed Ontario Heritage Act Regulations	
5.	Subcommittee Updates	
5.1.	Heritage Designation Subcommittee	
5.2.	Outreach Subcommittee	

6. Correspondence

7. New or Other Business

8. Next Meeting

9. Adjournment

The Corporation of the City of Kawartha Lakes

Minutes

Kawartha Lakes Municipal Heritage Committee Meeting

KLMHC2020-05
Thursday, September 10, 2020
5:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

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1. Call to Order

W. Bateman called the meeting to order at 5:00 p.m. with the following members present Councillor R. Ashmore, A. Adare, D. Carroll, J. Garbutt, R. Macklem, I. McKachnie, W. Purdy and J. Skelton.

Staff Present: E. Turner, Economic Development Officer - Heritage Planning.

Regrets: A. Hart

2. Administrative Business

2.1 Adoption of Agenda

KLMHC2020-29
Moved By Councillor Ashmore
Seconded By I. McKechnie

That the agenda be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

KLMHC2020-30
Moved By R. Macklem
Seconded By D. Carroll

That the minutes of the Municipal Heritage Committee meeting held on August 6, 2020, be adopted as circulated.

Carried

3. Presentations and Deputations

3.1 Report KLMHC2020-19

Deputation from Janice Stange, owner of 4983 Monck Road, Kinmount, regarding alterations to the property

Janice Stange, the owner of 4983 Monck Road, presented the plans for a proposed new garage on the property.

KLMHC2020-31
Moved By I. McKechnie
Seconded By J. Garbutt

That Report KLMHC2020-19, **4983 Monck Road, Kinmount Alteration Application**, be received; and

That the proposed alterations be approved.

Carried

4. Reports

4.1 Report KLMHC2020-20

Report KLMHC2020-20 37 Adelaide Street North Site Plan - 2nd Submission

The Committee discussed the architectural design of the building and proposed potential location for a plaque commemorating the history of the site.

KLMHC2020-32
Moved By J. Garbutt
Seconded By W. Purdy

That Report KLMHC2020-20, **37 Adelaide Street North Site Plan Approval – 2nd Submission**, be received; and

That comments be provided through the Chair to Planning staff regarding the application.

Carried

4.2 Report KLMHC2020-22

Report KLMHC2020-22 City Hall HVAC Plans

The Committee reviewed the proposed plans for the HVAC upgrades in City Hall.

KLMHC2020-33
Moved By I. McKechnie
Seconded By R. Macklem

That Report KLMHC2020-22, **City Hall HVAC Plans**, be received for information.

Carried

4.3 Report KLMHC2020-18

Report KLMHC2020-18 Heritage By-law Amendments

The Committee reviewed the proposed amendments to legal descriptions to a number of heritage properties.

KLMHC2020-34
Moved By R. Macklem
Seconded By W. Purdy

That Report KLMHC2020-18, **Heritage By-law Amendments**, be received; and

That the proposed by-law amendments be forwarded to Council for adoption.

Carried

4.4 Report KLMHC2020-15

Report KLMHC2020-15 Designation of 28 Boyd Street

The Committee reviewed the proposed designation of the dry stone wall at 28 Boyd Street in Bobcaygeon. A. Adare provided the Committee with background on the property and the efforts to restore the wall.

KLMHC2020-35
Moved By I. McKechnie
Seconded By Councillor Ashmore

That Report KLMHC2020-15, **Designation of 28 Boyd Street, Bobcaygeon**, be received;

That the designation of the property known municipally as 28 Boyd Street, Bobcaygeon be endorsed; and

That the recommendation to designate the subject property be forwarded to Council for approval.

Carried

4.5 Report KLMHC2020-17

Report KLMHC2020-17 Old Mill HCD Update

E. Turner provided an update on the current status of the Old Mill HCD Study. The Committee nominated members for a subcommittee to work on the study and provide more direct study and input. The Committee nominated: I. McKechnie, A. Hart, J. Garbutt, R. Macklem and W. Bateman.

KLMHC2020-36
Moved By R. Macklem
Seconded By D. Carroll

That Report KLMHC2020-17, **Old Mill Heritage Conservation District Study Update**, be received;

That an Old Mill HCD Study Subcommittee be formed to participate in the study process; and

That the Subcommittee members be I. McKechnie, A. Hart, J. Garbutt, R. Macklem, and W. Bateman.

Carried

4.6 Report KLMHC2020-16

Report KLMHC2020-16 Heritage Conservation District Permitting Process

E. Turner provided an overview of the current permitting process for heritage conservation district properties. J. Garbutt raised the point that signage was a very important part of the Downtown Lindsay HCD and was concerned that businesses and property owners were not putting up signs that were heritage friendly. E. Turner suggested that the Committee undertake an awareness campaign and reach out to the BIA. The Committee requested that a presentation be made at the next meeting to go over the sign requirements.

KLMHC2020-37
Moved By I. McKechnie
Seconded By Councillor Ashmore

That Report KLMHC2020-16, **Heritage Conservation District Permitting Process**, be received.

Carried

4.7 Report KLMHC2020-21

Report KLMHC2020-21 Update on The Grand

E. Turner provided the Committee with the background information on the Grand regarding the development proposal that came forward for the property in 2016. J. Garbutt volunteered to reach out to the new owners.

KLMHC2020-38
Moved By D. Carroll
Seconded By I. McKechnie

That Report KLMHC2020-21, **Update on The Grand**, be received for information.

Carried

5. Subcommittee Updates

5.1 Heritage Designation Subcommittee

There was no update from the Heritage Designation Subcommittee.

5.2 Outreach Subcommittee

I. McKechnie and E. Turner provided an update on Digital Doors Open. The program is about to be launched with 2 virtual walking tours and several virtual museum tours. They are currently waiting on the museums for content.

6. Correspondence

There was no correspondence reviewed by the Committee. The Ontario Historic Society newsletter was circulated digitally to the Committee prior to the meeting.

7. New or Other Business

J. Garbutt noted that he had made inquiries regarding the graves believed to be in the Old Gaol Courtyard. E. Turner will connect him with Building and Property staff.

J. Garbutt also asked if there was any potential development happening on Lindsay Street South. E. Turner was unaware of any proposals at the moment, but any application would come to the Committee when it was submitted because it is adjacent to the Downtown Lindsay HCD.

8. Next Meeting

The next meeting will be Thursday, October 8 at 5:00 p.m. in Council Chambers at City Hall (26 Francis Street, Lindsay).

9. Adjournment

KLMHC2020-39
Moved By J. Garbutt
Seconded By D. Carroll

That the Municipal Heritage Committee Meeting adjourn at 6:39 p.m.

Carried

The Corporation of the City of Kawartha Lakes

Kawartha Lakes Municipal Heritage Committee Report

Report Number KLMHC2020-14

Meeting Date: October 8, 2020

Title: Records and Archives Presentation

Description: Presentation on the current activities of the City's Records and Archives

Ward Number: All

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

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Recommendation(s):

That Report KLMHC2020-14, **Records and Archives Presentation**, be received; and

That the presentation from Records and Archives staff be received for information.

Background:

The City of Kawartha Lakes holds a large collection of corporate records relating to the history and operations of the municipality and its former townships dating back to the nineteenth century. Records and Archives staff will provide a presentation to the Committee on the City's archives and corporate records and current initiatives regarding their protection and management.

Rationale:

An update from Records and Archives staff provides the Committee with information on initiatives to protect and manage the City's historic records.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

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

Consultations:

N/A

Attachments:

N/A

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

The Corporation of the City of Kawartha Lakes

Kawartha Lakes Municipal Heritage Committee Report

Report Number KLMHC2020-24

Meeting Date: October 8, 2020

Title: Heritage Signs Presentation

Description: Presentation regarding heritage signage in downtown commercial areas

Ward Number: 5

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

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Recommendation(s):

That Report KLMHC2020-24, **Heritage Signs Presentation** be received; and

That the presentation from staff be received for information.

Background:

At its meeting of September 10, 2020, the Municipal Heritage Committee received a report outlining the heritage permit application process for properties located in heritage conservation districts. As part of the discussion, the Committee raised concerns regarding signage in Downtown Lindsay which did not conform to heritage standards. The Committee requested that staff make a presentation outlining heritage friendly signage and the requirements for Downtown Lindsay.

Rationale:

The presentation will provide an overview of the current requirements for commercial signage in Downtown Lindsay and examples of heritage signage for the Committee to consider.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

N/A

Attachments:

N/A

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Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

The Corporation of the City of Kawartha Lakes

Kawartha Lakes Municipal Heritage Committee Report

Report Number KLMHC2020-23

Meeting Date: October 8, 2020

Title: Thornhill Road Development Site Plan Approval – 1st Submission

Description: Site plan approval for a new multi residential development at Thornhill Road and St. Joseph Road

Ward Number: 5

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

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Recommendation(s):

That Report KLMHC2020-23, **Thornhill Road Development Site Plan Approval – 1st Submission** be received; and

That comments regarding the proposed development be provided through the Chair to Planning staff.

Background:

The City of Kawartha Lakes has received site plans for a new development on Thornhill Road at St. Joseph Road in Lindsay. The applicant proposes to construct an eight-storey residential building with 220 units on a currently undeveloped site. The proposed used for this new building is as a retirement home.

The site plan, elevations and landscape plan are attached.

This site is located behind in Loblaws and is adjacent to Wilson Fields.

Rationale:

The Committee has been circulated on this application and may wish to provide comment on it. There are no heritage buildings adjacent to or in close proximity to this site. The nearby properties include Loblaws and Wilson Fields. Across the road, there is a vacant site and there are other commercial properties and newer residential developments nearby.

Other Alternatives Considered:

The Committee may choose not to comment on this application as there is little to no impact on heritage resources.

Financial/Operation Impacts:

There are no financial/operational impacts resulting from the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – Site Plan



1903 LS - A101-A101(1).pdf

Appendix B – Building Elevations



1903 LS - A300-A301(1).pdf

Appendix C – Building Elevations

1903 LS - A300-A302(1).pdf

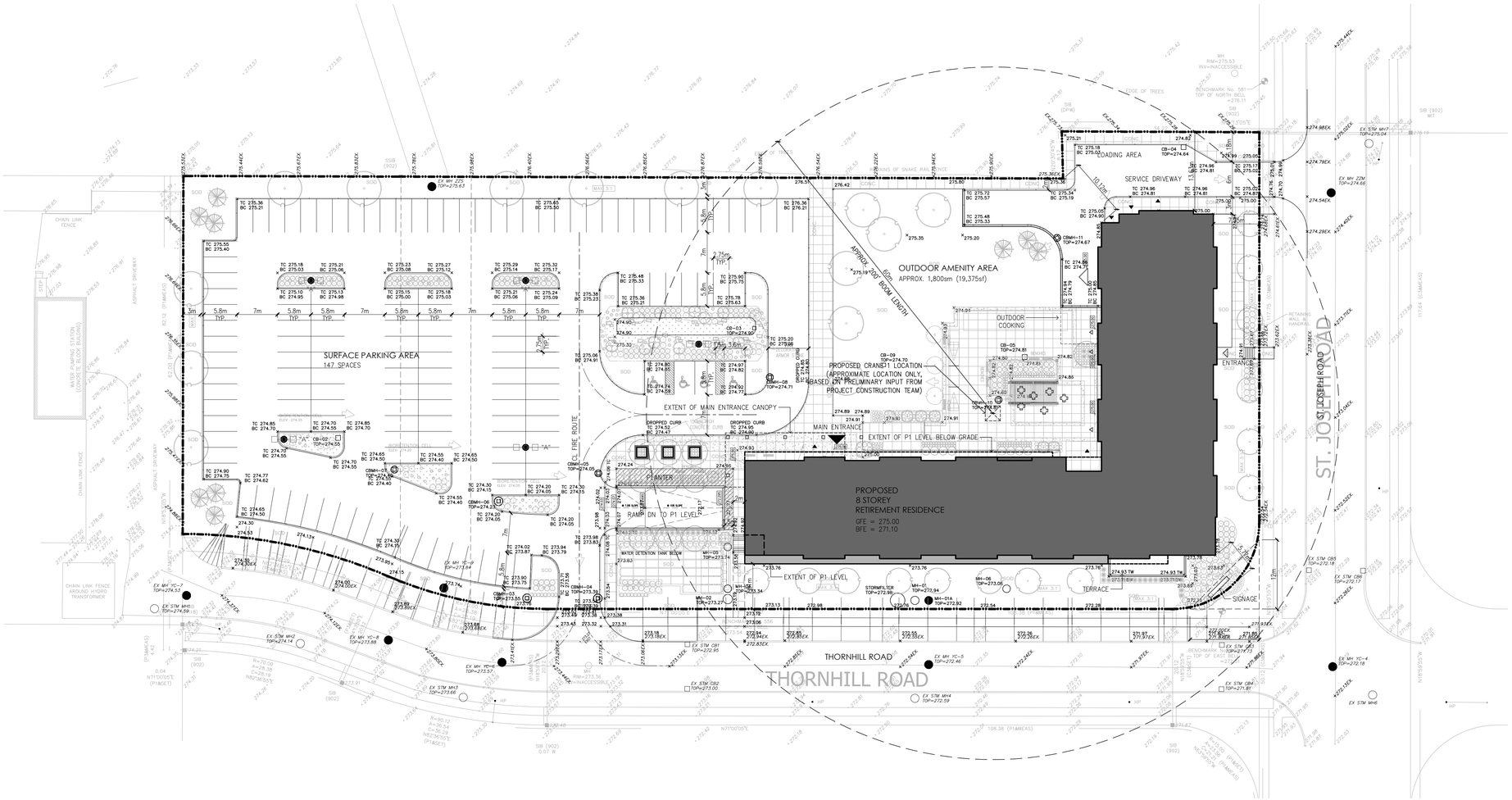
Appendix D – Landscape Plan

19-128LI-L-1 LANDSCAPE PLAN (D)

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services



LEGEND

- MAIN ENTRANCE
- EXIT
- SERVICE EXIT
- BUILDING ACCESS
- ACCESSIBLE PARKING
- AD AREA DRAIN
- CB CATCH BASIN
- MH MANHOLE
- EXISTING GRADE ELEVATION
- PROPOSED GRADE ELEVATION
- SIAMESE CONNECTION
- FIRE HYDRANT
- FR FR SIGNAGE
- AP ACCESSIBLE PARKING SIGNAGE
- UP UTILITY POLE
- WL WALL LIGHTING
- PL POLE LIGHTING
- BL BOLLARD LIGHTING
- SS STOP SIGNAGE
- LZ LOADING ZONE SIGNAGE

SURVEY INFORMATION

INFORMATION ON THIS SITE PLAN TAKEN, IN PART, FROM PLAN OF SURVEY OF

PART OF S1/2 LOT 21
CONCESSION 4

GEOGRAPHIC TOWNSHIP OF OPS
CITY OF KAWARTHA LAKES

PLAN OF SURVEY PREPARED BY
COE, FISHER, CAMERON
LAND SURVEYORS

PLAN OF SURVEY INFORMATION DATED – 2019

Unit Summary	Independent Living		Independent Supported Living			Assisted Living		Units Per Floor
	1Bedroom	2Bedroom	Studio	1Bedroom	2Bedroom	Studio	1Bedroom	
Ground Floor	0	0	0	0	0	0	0	**0**
Second Floor	8	3	0	0	0	22	1	**34**
Third Floor	12	6	4	10	0	0	0	**32**
Fourth Floor	12	6	4	10	0	0	0	**32**
Fifth Floor	12	6	0	11	2	0	0	**31**
Sixth Floor	12	7	0	9	2	0	0	**30**
7th Floor	12	7	0	9	2	0	0	**30**
8th Floor	12	7	0	9	2	0	0	**30**
Subtotal	**80**	**42**	**8**	**58**	**8**	**22**	**1**	
Total	**122**		**74**			**23**		**219 Units**
	56%		**34%**			**11%**		

SITE STATISTICS

Lot Area	13,737.4sm	[147,868sf]	[3.39acre]	[1.374ha]
Lot Frontage	67.6m	[222f]		[0.007ha]
Building Area	2,200.9sm	[23,690sf]	16.0%	[0.220ha]
Paved Area	6,315.0sm	[67,974sf]	46.0%	[0.632ha]
Landscaped Area	5,221.5sm	[56,204sf]	38.0%	[0.522ha]
Gross Floor Area	**17,688.8sm**	**[190,401sf]**		
Ground Floor	2,219.8sm	[23,894sf]		
Second Floor	2,216.2sm	[23,855sf]		
Third Floor	2,208.8sm	[23,775sf]		
Fourth Floor	2,208.8sm	[23,775sf]		
Fifth Floor	2,208.8sm	[23,775sf]		
Sixth Floor	2,208.8sm	[23,775sf]		
Seventh Floor	2,208.8sm	[23,775sf]		
8th Floor	2,208.8sm	[23,775sf]		
GFA of units	13,091.6sm	[140,917sf]		
GFA of common area	2,550.4sm	[27,452sf]		
Floor Space Index - FSI	1.29			
Building Height	25.9m	8 Storeys		
Parking	**189**	(0.86)		
Surface	147			
Underground	42			

DATE	ISSUED FOR
2020 JUN 05	SPA 1ST SUBMISSION

NO.	DATE	DESCRIPTION

REVISIONS

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME, REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK.
ALL DRAWINGS, PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED TO HIM ON COMPLETION OF WORK.
LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.
PRINTS ARE NOT TO BE SCALED.

ONTARIO ASSOCIATION OF ARCHITECTS
RAMIN FOSSAHI
LICENCE
5081

PROJECT NORTH

GLOBAL ARCHITECTS INC.
6 Leswyn Road, Toronto, Ontario M6A 1K2
ph: 416 256 4440 fx: 416 256 4449

CLIENT
Fieldgate Commercial

PROJECT NAME
PROPOSED RETIREMENT HOME
THORNHILL ROAD & ST. JOSEPH ROAD
LINDSAY, ON

DRAWN BY	JC, TC
CHECKED BY	RP
DATE	June 9, 2020
SCALE	1:400

DWG. TITLE
SITE PLAN

PROJECT NO.
19-03 A101



2 NORTH BUILDING ELEVATION



1 EAST BUILDING ELEVATION

DATE	ISSUED FOR
2020 JUN 09	SPA 1ST SUBMISSION

NO.	DATE	DESCRIPTION

REVISIONS

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ONTARIO ASSOCIATION OF ARCHITECTS
FARZAD FASSIHI
LICENCE 5061

GLOBAL ARCHITECTS
6 Leswyn Road, Toronto, Ontario M6A 1K2
ph: 416 256 4440 fx: 416 256 4449

CLIENT
Fieldgate Commercial

PROJECT NAME
PROPOSED RETIREMENT HOME
THORNHILL ROAD & ST. JOSEPH ROAD
LINDSAY, ON

DRAWN BY

CHECKED BY

DATE June 9, 2020

SCALE 1:200

DWG. TITLE
BUILDING ELEVATIONS

PROJECT NO. 19-03

A301



2 SOUTH BUILDING ELEVATION



1 WEST BUILDING ELEVATION

DATE	ISSUED FOR
2020 JUN 09	SPA 1ST SUBMISSION

NO.	DATE	DESCRIPTION

REVISIONS

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ONTARIO ASSOCIATION OF ARCHITECTS
HOSSEIN HOSSEINI
LICENCE
5061

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ph: 416 256 4440 fx: 416 256 4449

CLIENT
Fieldgate Commercial

PROJECT NAME
PROPOSED RETIREMENT HOME
THORNHILL ROAD & ST. JOSEPH ROAD
LINDSAY, ON

DRAWN BY

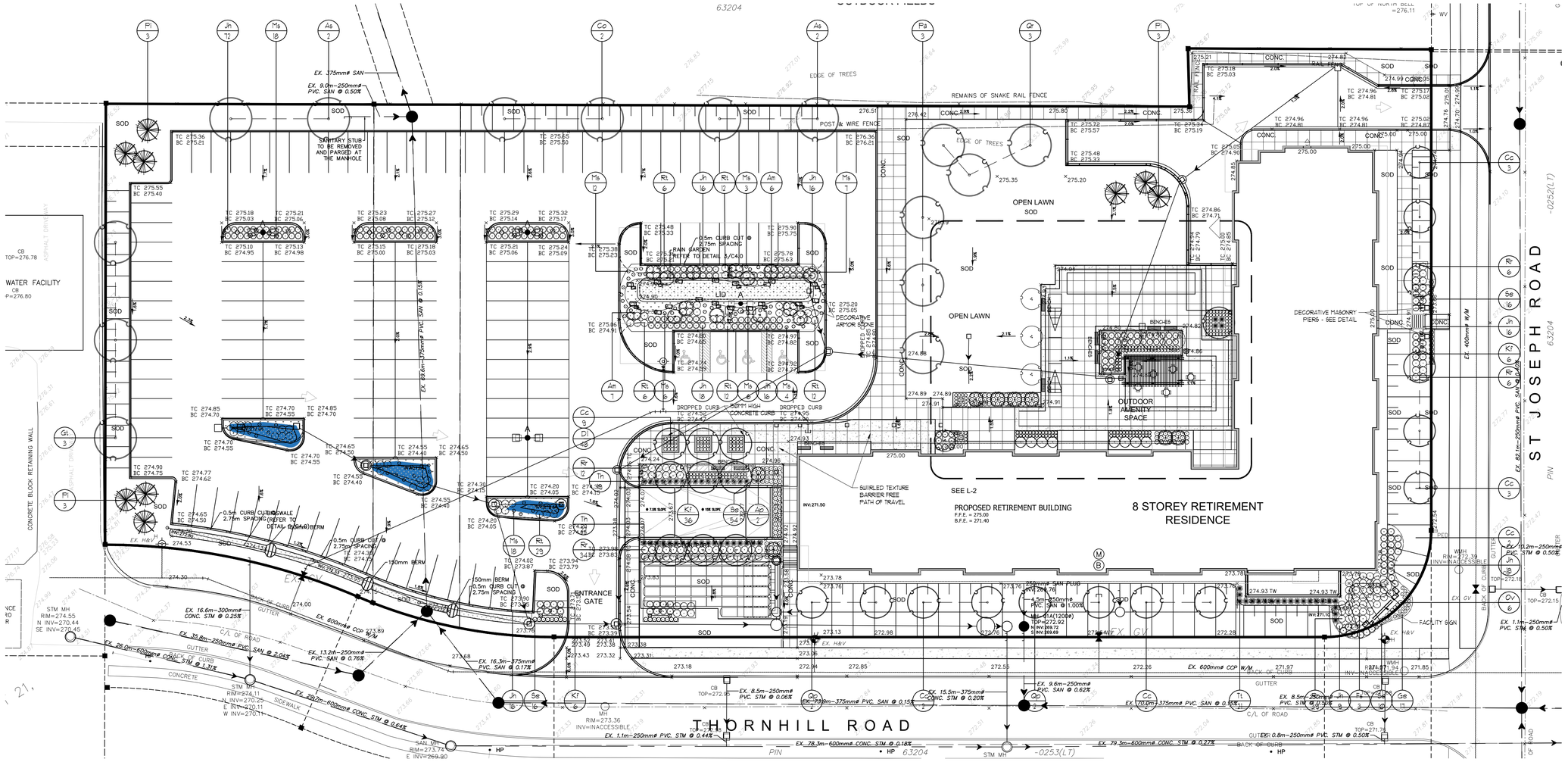
CHECKED BY

DATE June 9, 2020

SCALE 1:200

DWG. TITLE
BUILDING ELEVATIONS

PROJECT NO.
19-03 A302



LANDSCAPE PLAN

SCALE = 1:300

0 5 10 20 30m

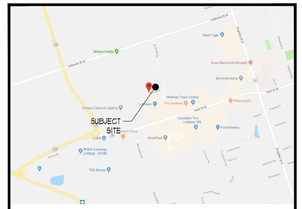
1 : 300

PLANT MATERIAL

KEY	COMMON NAME	BOTANICAL NAME	QTY	SIZE	COND
Am	MULTI-STEM SERVICEBERRY	Amelanchier canadensis multi-stem	13	150cm	POT
Ap	BLOODGOOD JAPANESE MAPLE	Acer palmatum ' Bloodgood'	2	150cm	POT
As	SUGAR MAPLE	Acer saccharum	4	60mmcal	WB
Cc	SINGLE-STEM REDBUD	Cercis canadensis single-stem	21	45mmcal	WB
Co	HACKBERRY TREE	Celtis occidentalis	2	60mmcal	WB
Dl	PARDON ME DAYLILY	Hemerocallis 'Pardon Me'	48	2yr/gal	POT
Fs	DAWYCK PURPLE BEECH	Fagus sylvatica 'Purple Dawyck'	3	50mmcal	WB
Ge	ROZANNE GERANIUM	Geranium 'Rozanne'	17	2yr/gal	POT
Gt	SHADEMASTER LOCUST	Gleditsia triacanthos 'Shademaster'	3	60mmcal	WB
Jn	PRINCE OF WALES JUNIPER	Juniperus horizontalis 'Prince of Wales'	198	60cm	POT
Kf	KARL FOERSTER REED GRASS	Calamagrostis acutiflola 'Karl Foerster'	48	2yr/gal	POT
Ms	HURON SUNRISE GRASS	Miscanthus sinensis 'Huron Sunrise'	74	2yr/gal	POT
Ov	BLUEOAT GRASS	Helictotrichon sempervirens	6	2yr/gal	POT
Pa	BLOODGOOD LONDON PLANETREE	Platanus x acerifolia 'Bloodgood'	3	60mmcal	WB
Pi	WHITE SPRUCE	Picea glauca	9	200cm	WB
Qp	PIN OAK	Quercus palustris	4	60mmcal	WB
Qr	RED OAK	Quercus rubra	3	60mmcal	WB
Rr	FLOWER CARPET GROUND COVER ROSE	Rosa 'Flower Carpet'	97	60cm	POT
Rs	FRAGRANT SUMAC	Rhus aromatica 'Grow Low'	17	60cm	POT
Se	AUTUMN JOY SEDUM	Sedum spectabile 'Autumn Joy'	96	2yr/gal	POT
Th	HICK'S YEW	Taxus x media 'Hicksii'	41	60cm	POT
Tt	WARD'S SPREADING YEW	Taxus x media 'Wardii'	21	60cm	POT

LEGEND

- PROPOSED DECIDUOUS TREES
- PROPOSED CONIFEROUS TREES
- PROPOSED PLANTINGS
- PLANT KEYS - SEE PLANT MATERIALS LIST
- PROPOSED ARMOURSTONE SEE DETAIL
- PROPOSED CONCRETE PAVING
- SEEDING - SEE NOTES
- PROPOSED BENCH SEE DETAIL
- PROPOSED TRASH RECEPTACLE SEE DETAIL
- PROPOSED BIKE RACK SEE DETAIL
- PROPOSED PIER AND FENCE SEE DETAIL
- PROPOSED FENCE SEE DETAIL
- PROPOSED FIRE HYDRANT LOCATION
- PROPOSED LIGHTING SEE ELECTRICAL PLAN



KEY MAP

RON KOUDYS LANDSCAPE ARCHITECTS INC

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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION OR TENDER PURPOSES UNLESS SIGNED AND DATED BY RONALD H. KOUDYS, OALA, CSLA, LANDSCAPE ARCHITECT, LONDON, ONTARIO (519) 667-3322.

Ronald H. Koudys, O.A.L.A. C.S.L.A. — DATE

JUN012010	ISSUED FOR SPA	7.
MAY222010	ISSUED FOR SPA	6.
APR302010	ISSUED FOR SPA	5.
MAR182010	ISSUED FOR COORDINATION	4.
OCT242018	ISSUED FOR PRESENTATION	1.
JUL312018	ISSUED FOR REZONING + OPA	2.
JUL242018	ISSUED FOR REVIEW	1.
DATE	DESCRIPTION	No.

PLOTTING INFORMATION:
PLOTTED DATE = JUN012010
PLOTTED SCALE = 1:1

ONTARIO ASSOCIATION OF LANDSCAPE ARCHITECTS — MEMBER

PROJECT TITLE:

FIELDGATE RETIREMENT
Thornhill Road
Lindsay, Ontario
D38-2018-091

DRAWING TITLE:

LANDSCAPE PLAN

DATE:	SCALE:	DRAWING No.
MARCH 2019		L-1
DRAWN: RKLA Inc.	CHECKED BY: RHK.	
PROJECT No. 19-128LI		

The Corporation of the City of Kawartha Lakes

Kawartha Lakes Municipal Heritage Committee Report

Report Number KLMHC2020-25

Meeting Date: October 8, 2020

Title: Proposed Ontario Heritage Act Regulations

Description: Review of the proposed new regulations for the Ontario Heritage Act

Ward Number: All

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

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Recommendation(s):

That Report KLMHC2020-25, **Proposed Ontario Heritage Act Regulations,** be received for information.

Background:

The More Homes, More Choice Act, 2019 made changes to a number of pieces of planning related legislation, including the Ontario Heritage Act. The bill received royal assent on June 6, 2019.

Several of the amendments required additional details to be prescribed through regulations. These regulations change and clarify the processes for identifying, designating and managing proposed changes to properties of cultural heritage value. These regulations have the potential to significantly impact the way that municipalities approach the conservation of historic properties and their associated internal processes.

The proposed regulations and the amendments to the Ontario Heritage Act will come into effect on January 1, 2021. It is important that prior to these new regulations coming to force that the Municipal Heritage Committee familiarize itself with the proposed changes and provide comment through the Environmental Registry as appropriate. The commenting period for the proposed regulations ends on November 5, 2020. Should the Committee have specific concerns regarding the proposed regulations, it may comment on the Environmental Registry before the deadline. Individual members of the Committee may also provide comment.

This report addresses the proposed legislative changes.

Rationale:

To bring the OHA amendments into force, there are regulations proposed addressing nine areas of heritage planning policy and process. They are summarized below.

1. Principles to guide municipal decision making
   The regulations identify new principles to guide municipal decision making. They are:

    a. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations
    b. Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should:
        i. Minimize adverse impacts to the cultural heritage value or interest of the property or district,
        ii. Be based on research, appropriate studies and documentary evidence, and
        iii. Demonstrate openness and transparency by considered the views of all interested persons and communities

c. Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse.

The Committee should remain cognizant of these principles as it makes decisions to ensure that any decisions are justifiable based on the prescribed principles.

2. Mandatory content for designation by-laws
There are proposed mandatory content regulations for designation by-laws. The intention is to make sure that by-laws are consistent across the province and that the contain sufficient information to guide the preservation of a property. The mandatory content is as follows:

    a. Identification of the property by:
        i. The municipal address of the property, if it exists,
        ii. The legal description of the property, including the PIN that relates to the property
        iii. A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property
    b. A site plan, scale drawing, aerial photograph, or other image that identifies each area of the property that has cultural heritage value or interest
    c. A statement explaining the cultural heritage value or interest of the property much identify which of the criteria set out in Ontario Regulation 9/06 are met and explain how the criteria are met
    d. The description of heritage attributes must be brief and must example how each heritage attribute contributes to the cultural heritage value or interest of the property
    e. The by-law may list features of the property that are not heritage attributes

    This will require changes to how designation by-laws are written in Kawartha Lakes.

3. 90-day timeline to issue a Notice of Intention to Designate
The amendments to the OHA identify a new 90-day timeline for issuing a notice of intention to designate after a prescribed event has occurred. The proposed regulations identify the prescribed events as three types of applications made under the Planning Act: an official plan amendment, a zoning by-law amendment, and/or a plan of subdivision. After the 90-day period has elapsed, the municipality will no longer be able to issue a notice of intention to designate a property of cultural heritage value which is subject to the Planning Act application.

There are a number of exceptions where the 90-day timeframe could be extended or does not apply. These are:

a. A mutual agreement between the municipality and the applicant
b. Administrative restrictions, such as a declared state of emergency or the inability of Council to consult with its municipal heritage committee
c. New or relevant information which could have a potential impact on the cultural heritage value of a property which is revealed and required further investigation
d. The restriction expires when the application is disposed of under the Planning Act

The proposed regulations also require provide the notification requirements for any of these scenarios.

In order to respond to this requirement and ensure that non-designated properties subject to Planning Act application are designated as necessary, the City and the Committee will need to closely monitor incoming Planning Act applications and move quickly should a designation be warranted. This change to the Act underlines the importance of listing and inventorying heritage resources.

4. 120-day timeline to pass a designation by-law
The OHA amendments establish a new requirement that a municipality must designate a property within 120 days of issuing the Notice of Intention to Designate. It also allows for exceptions to be proposed through regulation. The proposed exceptions are:

a. Mutual agreement between the property owner and the municipality
b. Administrative restrictions, such as a declared state of emergency
c. New and relevant information which could have a potential impact on the cultural heritage value of a property which is revealed and required further investigation

These exceptions would allow Council an additional 180 days to pass the by-law.

Most designation by-laws in Kawartha Lakes are passed within 120 days of issuing a notice of intention to designate.

5. 60-day timeline to confirm complete applications
The OHA amendments establish a new timeline of 60 days to deem an application for alteration, demolition or removal of a heritage property. It

also sets out that minimum requirements for a complete application may be prescribed by regulation. The minimum requirement are:

a. Name, address, telephone number and (if applicable) email address of the applicant
b. The name of the municipality from which consent is being requested
c. A description of the property such as lot and concession numbers, reference plan and part numbers, and street names and numbers
d. Photographs which depict the existing buildings, structure and heritage attributes that are affected by the application
e. A site plan or sketch that illustrates the proposed alteration, demolition or removal
f. Drawings and written specifications of the proposed alteration, demolition or removal
g. The reasons for the alteration, demolition or removal and the potential impact on the heritage attributes of the property
h. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal
i. An affidavit or sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

Municipalities may add additional requirements through a by-law, council resolution, or official plan policy.

While the minimum requirements outlined by the province are generally what is required when submitted a heritage application in Kawartha Lakes, the municipality should establish its own requirements which align with the provincial regulation and add additional clarity to them. Staff are currently preparing a policy for presentation to Council on this topic. The policy will be presented to the Municipal Heritage Committee for review and comment prior to proceeding to Council.

6. Prescribed steps following council's consent to a demolition or removal under s. 34.3
The amendments to the OHA provide that council consent is required for the removal of any heritage attributes, not just the full demolition or removal of a structure.

Previously, councils were required to repeal the designation by-law when a demolition occurred. The regulation provides municipalities with the ability to determine the impact of the proposed demolition and amend or repeal the by-law as necessary. The regulation identifies the appropriate administrative action as required.

The proposed regulation will need to be followed if and when the City receives an application of this nature.

7. Information to be provided to LPAT upon appeal
   Under the new amendments, all decisions are now appealable to the Local Planning Appeals Tribunal (LPAT) as opposed to the Conservation Review Board which previously reviewed objections to designations and alterations to individually designated properties. The LPAT decisions are binding. There are different requirements depending on the type of application and appeal.

   Staff will be responsible for ensuring that the appropriate records are kept and referred to the LPAT should they be required. The new regulation underlies the need for good recording keeping and transparency in decision making.

8. Housekeeping amendments
   There are a number of housekeeping amendments addressed through regulations. The proposed regulation sets out a modified, simplified process for amending a designation by-law passed under section 29 of the Act and makes it clear that there is no 90-day restriction on issuing a notice of proposed amendment to the passing of the amending by-law. It also outlines restrictions on a property owner's ability to reapply for a repeal of designation by-law where the application was unsuccessful.

9. Transition
   The regulations provide for transition rules to clarify matters that are already in process at the time the regulations come into force. There is likely to be limited impact on Kawartha Lakes.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

Ministry of Heritage, Sport, Tourism and Culture Industries

Attachments:

Appendix A – Proposed Ontario Heritage Act Regulations

OHA Regs
Stakeholder Presentat

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Department Head: Chris Marshall, Director of Development Services

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

ONTARIO HERITAGE ACT

GENERAL

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PRINCIPLES

Principles

1. (1) The following provisions are prescribed for the purpose of section 26.0.1 of the Act:

1. Section 29 of the Act.

2. Section 30.1 of the Act.

3. Section 31 of the Act.

4. Section 32 of the Act.

5. Section 33 of the Act.

6. Section 34 of the Act.

(2) The following provisions are prescribed for the purpose of section 39.1.2 of the Act:

1. Section 41 of the Act.

2. Section 41.1 of the Act.

3. Section 42 of the Act.

(3) For the purpose of sections 26.0.1 and 39.1.2 of the Act, the following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):

1. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.

2. Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should,

    i. minimize adverse impacts to the cultural heritage value or interest of the property or district,

    ii. be based on research, appropriate studies and documentary evidence, and

    iii. demonstrate openness and transparency by considering the views of all interested persons and communities.

3. Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.

(4) For the purpose of this section,

"adaptive reuse" means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.

RULES RE SECTION 29 OF THE ACT

Prescribed events, s. 29 (1.2) of the Act

2. (1) For the purposes of subsection 29 (1.2) of the Act, the following events are prescribed in respect of a property in a municipality:

1. A council or planning board, as applicable, has completed giving notice in accordance with clause 22 (6.4) (a) of the *Planning Act* of a request for amendment referred to in that clause, if the subject land to which the amendment applies includes the property.

2. A council has completed giving notice in accordance with clause 34 (10.7) (a) of the *Planning Act* of an application for an amendment to a by-law referred to in that clause, if the subject land to which the amendment applies includes the property.

3. A council or planning board, as the approval authority, has completed giving notice in accordance with subsection 51 (19.4) of the *Planning Act* of an application referred to

in that clause, if the subject land to which the application applies includes the property.

Prescribed exceptions, s. 29 (1.2) of the Act

3. (1) The following exceptions are prescribed for the purposes of subsection 29 (1.2) of the Act:

1. If an event described in section 2 has occurred in respect of a property, the owner of the property and the council of the municipality may,

    i. at any time after the event, agree that the period of time under subsection 29 (1.2) of the Act does not apply to the property, or

    ii. within 90 days after the event, agree to extend the applicable period of time under subsection 29 (1.2) of the Act after which the council may not give a notice of intention to designate the property.

2. If an event described in section 2 has occurred in respect of a property and the day on which the event occurred falls within a period when an emergency has been declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the 90-day period set out in subsection 29 (1.2) of the Act does not begin until the day immediately after the day on which the emergency has terminated.

3. If an event described in section 2 has occurred in respect of a property and during the 90-day period set out in subsection 29 (1.2) of the Act an emergency is declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the following rules apply:

    i. The 90-day period is terminated on the day the emergency is declared.

    ii. A new 90-day period commences on the day immediately after the day on which the emergency is terminated.

4. If the following criteria are satisfied, the municipality may, within 15 days after the end of 90-day period set out in subsection 29 (1.2) of the Act, pass a resolution stating that the municipality has not consulted with its municipal heritage committee regarding the designation of the property and may elect, by the same resolution, that the period of time for the purposes of subsection 29 (1.2) is 180 days, and if the council passes such a resolution, the period of time for the purposes of subsection 29 (1.2) is the period set out in the resolution:

    i. An event described in section 2 has occurred in respect of the property.

    ii. The municipality has established a municipal heritage committee.

    iii. The municipality has not consulted with its municipal heritage committee regarding designation of the property in accordance with subsection 29 (2) of the Act by the end of the 90-day period set out in subsection 29 (1.2) of the Act.

5. If an event described in section 2 has occurred in respect of a property and after the occurrence of the event the council of the municipality in which the property is situate passes a resolution stating that the municipality has received new and relevant information relating to the property or the event, the following rules apply:

    i. If the resolution is passed within the 90-day period set out in subsection 29 (1.2), the council may elect, by the same resolution, that the period of time for the purposes of that subsection is 180 days after the resolution is passed and if the council so elects, the period of time for the purposes of that subsection is the period set out in the resolution.

    ii. If the resolution is passed at any time after the 90-day period set out in subsection 29 (1.2), the council may elect, by the same resolution, that the restriction imposed by subsection 29 (1.2) of the Act does not apply for a period of 180 days commencing on the day the resolution is passed and, if the council so elects, the restriction under subsection 29 (1.2) of the Act does not apply for the period set out in the resolution.

6. If an event described in section 2 has occurred in respect of a property, subsection 29 (1.2) of the Act no longer applies to restrict the council of the municipality in which

the property is situate from giving a notice of intention to designate the property as of the day on which the event is finally disposed of under the *Planning Act*.

(2) If the council passes a resolution referred to in paragraph 4 of subsection (1), the council of the municipality shall, within 15 days after the day on which the resolution was passed, ensure that notice of the new period of time set out in the resolution is served on the owner of the property, and the notice shall include the reasons for the new period of time.

(3) If the council passes a resolution under subparagraph 5 i of subsection (1), the council shall, within 15 days after the day on which the resolution was passed, ensure that notice of the new period of time set out in the resolution is served on the owner of the property, and the notice shall include the reasons for the new period of time.

(4) If the council passes a resolution under subparagraph 5 ii of subsection (1), the council shall, within 15 days after the day on which the resolution was passed, ensure that notice is served on the owner of the property and the notice shall contain,

(a) a statement explaining that the restriction imposed by subsection 29 (1.2) of the Act does not apply for a period of 180 days commencing on the day the resolution was passed; and

(b) the reasons why the restriction does not apply for that period of time.

(5) For the purposes of paragraph 5 of subsection (1), "new and relevant information" means information or materials that satisfy all of the following:

1. The information or materials affect or may affect,

    i. the determination of the cultural heritage value or interest of the property, or

    ii. an evaluation of the potential effect of the *Planning Act* application giving rise to the event on any cultural heritage value or interest of the property.

2. The information or materials are received by council after the relevant event occurred.

3. The information or materials do not form part of the information and materials that were provided to the municipality under the *Planning Act* for the purposes of the relevant event described in section 2.

Prescribed circumstances, s. 29 (8) para. 1

4. (1) The following circumstances and corresponding periods of time are prescribed for the purpose of paragraph 1 of subsection 29 (8) of the Act:

1. If, before the end of the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act, the council and the owner of the property agree to a period of time other than the period set out in that paragraph, the period of time for the purposes of that paragraph is the period that the council and the owner have agreed upon.

2. If any part of the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act falls within a period when an emergency has been declared to exist in the municipality in which the property is situate, or in any part thereof, under the *Emergency Management and Civil Protection Act* by the head of the council of the municipality, the period of time for the purposes of paragraph 1 of subsection 29 (8) of the Act is 120 days after the day on which the emergency has terminated.

3. If, during the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act, the council passes a resolution stating that the municipality has received new and relevant information relating to the property and elects, by the same resolution, that the period of time for the purposes of that paragraph is 180 days after the resolution is passed, the period of time for the purposes of that paragraph is the period set out in the resolution.

(2) If the council has passed a resolution referred to in paragraph 3 of subsection (1), the council shall ensure that notice of the new period of time is served on the owner of the property, and the notice shall include the reasons for the new period.

(3) For purposes of paragraph 3 of subsection (1), "new and relevant information" means information or materials that satisfy the following:

1. The information or material affects or may affect any of the matters set out in paragraph 2 of subsection 29 (8) of the Act.

2. The information or materials are received by council after notice of intention to designate the property has been published under clause 29 (3) (b) of the Act.

Designation by municipal by-law, requirements

5. (1) The following requirements are prescribed for the purpose of paragraph 2 of subsection 29 (8) of the Act:

1. The by-law must identify the property by,

    i. the municipal address of the property, if it exists,

    ii. the legal description of the property, including the property identifier number that relates to the property, and

    iii. a general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property.

2. The by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.

3. The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1 (2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.

4. The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.

5. The by-law may list any physical features of the property that are not heritage attributes.

(2) For clarity, the requirements set out in subsection (1) apply for the purposes of subsection 29 (8) of the Act, as set out in the Schedule.

AMENDMENT OF DESIGNATING BY-LAW

Amending by-laws, modified s. 29 of the Act

6. The Schedule sets out section 29 of the Act, as modified, that applies to an amending by-law for the purposes of subsection 30.1 (1) of the Act.

REAPPLICATION FOR REPEAL OF BY-LAW – SUBSECTION 32 (18) OF THE ACT

Prescribed circumstances and time periods

7. For the purposes of subsection 32 (18) of the Act, the following are the prescribed circumstances and applicable time periods in which an owner of property may not reapply to have a by-law or part thereof designating a property repealed, except with the consent of council:

1. In circumstances where a council refuses an application under paragraph 1 of subsection 32 (5) of the Act and a notice of appeal is not given within the time period specified in subsection 32 (7) of the Act, the time period is 12 months after the service of the notice of the council's decision under subparagraph 1 i of subsection 32 (5) of the Act.

2. In circumstances where an owner of the property appeals a decision of council to refuse the application under subsection 32 (7) of the Act and the Tribunal dismisses the appeal under paragraph 1 of subsection 32 (12) of the Act, the time period is 12 months after the date of the Tribunal's decision under paragraph 1 of subsection 32 (12) of the Act.

3. In circumstances where an owner of the property appeals a decision of council to refuse the application under subsection 32 (7) of the Act and the Tribunal dismisses the appeal under subsection 32 (13) of the Act, the time period is 12 months after the date of the Tribunal's decision under subsection 32 (13) of the Act.

4. In circumstances where a person appeals the council's decision to consent to an application and to pass a repealing by-law under subsection 32 (8) of the Act and the Tribunal allows the appeal in whole or in part under paragraph 2 of subsection 32 (12) of the Act, the time period is 12 months after the date of the Tribunal's decision under paragraph 2 of subsection 32 (12) of the Act.

INFORMATION AND MATERIAL – SUBSECTIONS 33 (2) AND 34 (2) OF THE ACT

Prescribed information and material

8. (1) For the purpose of subsections 33 (2) and 34 (2) of the Act, the following information and material shall accompany an application:

1. The name, address, telephone number and, if applicable, the email address of the applicant.

2. The name of the municipality from which consent is being requested.

3. A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers.

4. Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context.

5. A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.

6. Drawings and written specifications of the proposed alteration, demolition or removal.

7. The reasons for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.

8. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.

9. An affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

(2) The information or material referred to in subsection (1) must also include any information or material that is required to accompany an application by a municipal by-law, resolution or official plan.

(3) The owner of the property shall serve an application made under subsection 33 (1) or 34 (1) of the Act on the council of the municipality.

(4) Use of a municipality's electronic system to submit an application mentioned in subsection (3) is a method for the purpose of clause 67 (1) (d) of the Act.

(5) Service using a municipality's electronic system is effective on the day the application is submitted unless the application was submitted after 5 p.m., in which case it is effective on the following day. If the day on which service would be effective is a Saturday or a holiday, service is instead effective on the next day that is not a Saturday or a holiday.

(6) For the purpose of paragraph 2 of subsection 33 (7) of the Act and paragraph 2 of subsection 34 (4.3) of the Act, an application is considered to have commenced on the day that it is served on the council of the municipality.

REQUIRED STEPS – SECTION 34.3 OF THE ACT

Council consents to application under s. 34 of the Act

9. (1) The following steps are prescribed for the purposes of subsection 34.3 (1) of the Act:

1. After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations:

    i. The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.

    ii. The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.

    iii. The property no longer has cultural heritage value or interest as a result of the demolition or removal.

2. If the council makes the determination described in subparagraph 1 i, the clerk of the municipality shall ensure that notice of the determination is served on the Trust.

3. If the council makes the determination described in subparagraph 1 ii,

    i. the council shall,

        A. pass a by-law that amends the by-law made under section 29 of the Act designating the property to update the statement of cultural heritage value or interest and the description of the property's heritage attributes to reflect the changes resulting from the demolition or removal, and

        B. ensure that the amending by-law complies with the requirements set out in section 5 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, and

    ii. the clerk of the municipality shall,

        A. ensure that a copy of the amending by-law is served on the owner of the property,

        B. publish notice of the amending by-law in a newspaper having general circulation in the municipality, and

        C. ensure that a copy of the amending by-law is registered against the property affected by the amending by-law in the appropriate land registry office and that a copy of the registered amending by-law is served on the Trust.

4. If the council makes the determination described in subparagraph 1 iii,

    i. the council shall pass a by-law to repeal the by-law or the part thereof designating the property under section 29 of the Act, and

ii. the clerk of the municipality shall,

A. ensure that a copy of the repealing by-law is served on the owner of the property,

B. publish notice of the repealing by-law in a newspaper having general circulation in the municipality,

C. ensure that a copy of the repealing by-law is registered against the property affected by the repealing by-law in the appropriate land registry office and that a copy of the registered repealing by-law is served on the Trust, and

D. ensure that any reference to the property is deleted from the register referred to in subsection 27 (1) of the Act.

5. If, as part of the removal mentioned in paragraph 1, a building or structure is moved to another property,

i. the council of a municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, determine if the other property meets the criteria referred to in clause 29 (1) (a) of the Act,

ii. if it is determined under subparagraph i that the other property meets the criteria, the council of a municipality may pass a by-law designating the other property to be of cultural heritage value or interest, and

iii. if a designating by-law is passed under subparagraph ii, the council of a municipality shall ensure that the by-law complies with the requirements set out in section 5 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

6. If a designating by-law is passed under subparagraph 5 ii, the clerk of the municipality shall,

i. ensure that a copy of the designating by-law is served on the owner of the property affected by the designating by-law,

ii. publish notice of the designating by-law in a newspaper having general circulation in the municipality, and

iii. ensure that a copy of the designating by-law is registered against the property affected by the designating by-law in the appropriate land registry office and that a copy of the registered designating by-law is served on the Trust.

(2) A by-law passed under this section comes into force on the day the by-law is passed.

(3) A designating by-law passed under subparagraph 5 ii of subsection (1) is deemed to be a by-law passed under subsection 29 (1) of the Act.

(4) For greater certainty, sections 29, 30.1 and 31 of the Act do not apply in respect of passing a by-law under this section, but sections 30.1 and 31 of the Act apply in respect of an amendment or repeal of a by-law or part thereof passed under this section.

RECORD OF DECISION

Record of decision under s. 29 of the Act

10. (1) If a notice of appeal under section 29 of the Act is given within the time period specified in subsection 29 (11) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 29 (8) of the Act to pass a by-law designating a property is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the notice of intention to designate the property.

2. A certified copy of the by-law.

3. A certified copy of the notice referred to in paragraph 4 of subsection 29 (8) of the Act.

4. A copy of any report considered by council.

5. A statement by an employee of the municipality as to how the decision of council considered the principles set out in subsection 1 (3) when the council exercised its decision-making authority.

6. The original or a certified copy of all written submissions and comments related to the decision and the dates they were received.

7. If a public meeting was held that related to the decision,

    i. a copy of the minutes; and

    ii. a list of all persons and public bodies that made oral submissions that related to the decision and, if available, the record of those submissions.

8. Any additional material or information that the council considered in making its decision.

9. An affidavit or sworn declaration by an employee of the municipality that contains a certificate that all the material and information required under this section is accurate.

(3) The following material and information must be included in a record of the decision under subsection 29 (6) of the Act to be forwarded to the Tribunal as required by subsection 29 (14) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 29 (5) of the Act, and the date on which each notice was served.

Record of decision under s. 30.1 of the Act

11. (1) References in this section to section 29 of the Act are references to that section as it applies to an amending by-law mentioned in subsection 30.1 (1) of the Act, as modified in the Schedule.

(2) The following rule applies if the council to a municipality proposes under section 30.1 of the Act to amend a by-law designating property and the exception set out in subsection 30.1 (2) of the Act does not apply to the amending by-law:

1. If a notice of appeal under section 30.1 of the Act is given within the time period specified in subsection 29 (11) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 29 (8) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(3) The following material and information must be included in a record of the decision referred to in paragraph 1 of subsection (2):

1. A certified copy of the notice of proposed amendment to the by-law designating the property.

2. A certified copy of the by-law that is the subject to the proposed amendment.

3. A certified copy of the amending by-law.

4. A certified copy of the notice referred to in paragraph 4 of subsection 29 (8) of the Act.

5. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

(4) The following material and information must be included in a record of the decision under subsection 29 (6) of the Act to be forwarded to the Tribunal as required by subsection 29 (14) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 29 (5) of the Act and the date on which it was served.

(5) The following rule applies if the council to a municipality proposes under section 30.1 of the Act to amend a by-law designating property and the exception set out in subsection 30.1 (2) applies to the amending by-law:

1. If a notice of appeal is given within the time period specified in subsection 30.1 (10) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 30.1 (9) of the Act to pass an amending by-law is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(6) The following material and information must be included in a record of the decision referred to in paragraph 1 of subsection (5):

1. A certified copy of the notice referred to in subparagraph 1 ii of subsection 30.1 (9) of the Act.

2. The material and information described in paragraphs 1, 3, 4 and 5 of subsection (3).

(7) The following material and information must be included in a record of the decision under subsection 30.1 (7) of the Act to be forwarded to the Tribunal as required by subsection 30.1 (14) of the Act:

1. The original or a certified copy of every notice of objection filed with the clerk of the municipality under subsection 30.1 (6) of the Act and the date on which it was filed.

Record of decision under s. 31 of the Act

12. (1) If a notice of appeal under section 31 of the Act is given within the time period specified in subsection 31 (9) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 31 (8) of the Act to pass a repealing by-law is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the notice of intention to repeal the by-law or part thereof designating property.

2. A certified copy of the repealing by-law.

3. A certified copy of the by-law that is subject to the repealing by-law.

4. A certified copy of the notice referred to in paragraph 2 of subsection 31 (8) of the Act.

5. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

(3) The following material and information must be included in a record of the decision under subsection 31 (6) of the Act to be forwarded to the Tribunal as required by subsection 31 (13) of the Act:

1. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 31 (5) of the Act and the date on which it was served.

Record of decision under s. 32 of the Act

13. The following material and information must be included in a record of the decision under subsection 32 (5) of the Act to be forwarded to the Tribunal as required by subsection 32 (11) of the Act:

1. A certified copy of the application to repeal a by-law or part thereof designating the property.

2. A certified copy of the notice of application referred to in subsection 32 (3) of the Act.

3. A certified copy of the by-law designating the property.

4. The original or a certified copy of every notice of objection served on the clerk of the municipality under subsection 32 (4) of the Act and the date it was served.

5. If the appeal relates to a decision to refuse the application, a certified copy of the notice referred to in subparagraph 1 ii of subsection 32 (5) of the Act.

6. If the appeal relates to a decision to consent to the application,

    i. a certified copy of the by-law repealing the by-law or part thereof, and

    ii. a certified copy of the notice referred to in subparagraph 2 ii of subsection 32 (5) of the Act.

7. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

Record of decision under s. 33 of the Act

14. (1) If a notice of appeal under section 33 of the Act is given within the time period specified in subsection 33 (9) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 33 (6) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law designating the property.

2. The original or a certified copy of the material and information described in section 8 received by the council, and any material or information that the council required under subsection 33 (3) of the Act.

3. A certified copy of the notice informing the applicant that the application is complete that was served on the applicant under subsection 33 (4) of the Act and the date it was served.

4. A certified copy of any records relating to a notification referred to in subsection 33 (5) of the Act.

5. A certified copy of the notice of the council's decision referred to in clause 33 (6) (b) of the Act.

6. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

Record of decision under s. 34.1 of the Act

15. (1) If a notice of appeal under section 34.1 of the Act is given within the time period specified in subsection 34.1 (2) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 34 (4.2) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law designating the property.

2. The original or a certified copy of the material and information described in section 8 received by the council, and any material or information that the council required under subsection 34 (3) of the Act.

3. A certified copy of the notice informing the applicant that the application is complete that was served on the applicant under subsection 34 (4) of the Act and the date it was served.

4. A certified copy of any records relating to a notification referred to in subsection 34 (4.1) of the Act.

5. The original or a certified copy of the notice of the council's decision referred to in clause 34 (4.2) (b) of the Act.

6. The material and information described in paragraphs 4 to 9 of subsection 10 (2).

Record of decision under s. 40.1 of the Act

16. (1) If a notice of appeal under section 40.1 of the Act is given within the time period specified in subsection 40.1 (4) of the Act, the clerk of the municipality shall ensure that the

record of the decision under subsection 40.1 (1) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law made under subsection 40.1 (1) of the Act.

2. A certified copy of the notice referred to in subsection 40.1 (3) of the Act.

3. The material and information described in paragraphs 4, 6, 7, 8 and 9 of subsection 10 (2).

Record of decision under s. 41 of the Act

17. (1) If a notice of appeal under section 41 of the Act is given within the time period specified in subsection 41 (4) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 41 (1) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law made under subsection 41 (1) of the Act.

2. A certified copy of the notice referred to in subsection 41 (3) of the Act.

3. A certified copy of the heritage conservation district plan adopted by a by-law under subsection 41.1 (1) of the Act.

4. A certified copy of the information referred to in clause 41.1 (6) (a) of the Act.

5. The original or a certified copy of all written submissions and comments related to the decision, including any written submissions referred to in subsection 41.1 (11) of the Act, and the dates they were received.

6. For every public meeting referred to in clause 41.1 (6) (b) of the Act that is held,

    i. a copy of the notice of the public meeting referred to in subsection 41.1 (7) of the Act,

    ii. a copy of the minutes, and

    iii. a list of all persons that made oral representations referred to in subsection 41.1 (9) of the Act and, if available, the record of those representations.

7. For every public meeting that is held that related to the decision but was not a meeting referred to in clause 41.1 (6) (b) of the Act,

    i. a copy of the minutes,

    ii. a list of all persons and public bodies that made oral submissions that related to the decision and, if available, the record of those submissions.

8. The material and information described in paragraphs 4, 5, 8 and 9 of subsection 10 (2).

Record of decision under s. 41.1 of the Act

18. (1) If a notice of appeal under section 41.1 of the Act is given within the time period specified in subsection 41 (4) of the Act, as made applicable by subsection 41.1 (4) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 41.1(2) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. A certified copy of the by-law under subsection 41 (1) of the Act.

2. A certified copy of the by-law under subsection 41.1 (2) of the Act.

3. A certified copy of the heritage conservation district plan adopted under subsection 41.1 (2) of the Act.

4. A certified copy of the notice referred to in subsection 41.1 (3) of the Act.

5. A certified copy of the information referred to in clause 41.1 (6) (a) of the Act.

6. The original or a certified copy of all written submissions and comments related to the decision, including the written submissions referred to in subsection 41.1 (11) of the Act, and the dates they were received.

7. For every public meeting referred to in clause 41.1 (6) (b) of the Act that is held,

    i. a copy of the notice of the public meeting referred to in subsection 41.1 (7) of the Act,

    ii. a copy of the minutes, and

    iii. a list of all persons that made oral representations referred to in subsection 41.1 (9) of the Act and, if available, the record of those representations.

8. The material and information described in paragraphs 4, 5, 8 and 9 of subsection 10 (2).

Record of decision under s. 42 of the Act

19. (1) If a notice of appeal under section 42 of the Act is given within the time period specified in subsection 42 (7) of the Act, the clerk of the municipality shall ensure that the record of the decision under subsection 42 (4) of the Act is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

(2) The following material and information must be included in a record of the decision referred to in subsection (1):

1. If a heritage conservation district plan was adopted by a by-law under subsection 41.1 (1) or (2) of the Act, a certified copy of the plan.

2. The original or a certified copy of the information required under subsection 42 (2.2) of the Act.

3. A certified copy of the notice of receipt referred to in subsection 42 (3) of the Act.

4. If the council refused the application for a permit under section 42 of the Act, a copy of the notice referred to in clause 42 (4) (b) of the Act.

5. If the council approved the application for a permit under section 42 of the Act with terms or conditions attached, a copy of the permit.

6. The material and information described in paragraphs 4, 5, 6, 7, 8 and 9 of subsection 10 (2).

TRANSITION

Transitional rules

20. (1) Except as provided otherwise, references in this section to a provision of the Act are references to the provision as it read immediately before the day this section comes into force.

(2) A matter or proceeding that is mentioned in subsection (3) and commenced before the day this section comes into force shall be continued and disposed of under the Act as it read before that date.

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced,

(a) in the case of the designation of property by by-law under section 29 of the Act, on the date of the publication of a notice of intention to designate under clause 29 (3) (b) of the Act;

(b) in the case of the amendment of a by-law designating property under section 30.1 of the Act,

(i) if subsection 30.1 (2) of the Act does not apply to the notice, on the date of the publication of the notice of proposed amendment under clause 29 (3) (b) of the Act, as made applicable by subsection 30.1 (1) of the Act, or

(ii) if subsection 30.1 (2) of the Act applies to the notice, on the day the notice of proposed amendment is received by the owner of the property;

(c) in the case of the repeal of a by-law or part thereof designating property under section 31 of the Act, on the date of the publication of a notice of intention to repeal a by-law or part thereof under clause 31 (3) (b) of the Act;

(d) in the case of an application to repeal a by-law or part thereof designating a property under section 32 of the Act, on the day the application is received by the council of the municipality;

(e) in the case of an application for consent to alter or permit the alteration under section 33 of the Act, on the day the application is received by the council of the municipality;

(f) in the case of an application for consent to demolish or remove or permit demolition or removal under section 34 of the Act, on the day the application is received by the council of the municipality;

(g) in the case of an application for consent to alter, demolish or remove or permit the alteration, demolition or removal under section 34.5 of the Act, on the day the application is received by the Minister;

(h) in the case of the designation of a study area under section 40.1 of the Act, the day on which the by-law is passed under that section;

(i) in the case of the designation of a heritage conservation district under section 41 of the Act, the day on which the by-law is passed under that section;

(j) in the case of the adoption of a heritage conservation district plan under subsection 41.1 (2) of the Act, the day on which the by-law is passed under that section;

(k) in the case of an application described in subsection 42 (2.1) of the Act, the day on which the application is received by the council of the municipality.

(4) Despite subsection (2), if a notice of intention to designate a property under subsection 29 (1) of the Act was published in accordance with clause 29 (3) (b) of the Act before the day this section comes into force and the council of the municipality has not passed a by-law designating the property and has not withdrawn the notice of intention to designate before that day, the notice of intention to designate the property is deemed to be withdrawn unless the council of the municipality passes a by-law designating the property within 365 days after the day this section comes in force in accordance with section 29 of the Act.

(5) For the purposes of subsection (4), if a person objects to a proposed designation under subsection 29 (5) of the Act, the 365-day period referred to in that subsection shall be counted by excluding every day that is after the day the person serves the notice of objection under subsection 29 (5) of the Act and that is before the earliest of the following:

1. The day the Review Board makes a report to council under subsection 29 (12) of the Act.

2. If the person who served the notice of objection withdraws the objection, the day on which the person serves notice of withdrawal in accordance with subsection 29 (15) of the Act.

(6) If a notice of intention to designate is deemed to be withdrawn under subsection (4), the municipality shall cause a notice of withdrawal,

(a) to be served on the owner of the property and on the Trust; and

(b) to be published in a newspaper having general circulation in the municipality.

(7) Despite subsection (2), the following rules apply if an application for consent to demolish or remove or permit demolition or removal under section 34 of the Act is received by the council of the municipality before the day this section comes into force and the council of a municipality has consented to the application under subclause 34 (2) (a) (i) or (i.1) of the Act or is deemed to have consented to the application under subsection 34 (4) of the Act or the Tribunal has ordered that the municipality give its consent under clause 34.1 (6) (b) of the Act:

1. If the council has not passed a repealing by-law under section 34.3 of the Act, the application shall be continued and disposed of in accordance with section 34.3 of the Act as it reads on and after the day this section comes into force.

2. If the council has passed a repealing by-law under section 34.3 of the Act, the application shall be continued and disposed of in accordance with section 34.3 of the Act as it read immediately before the day this section comes into force.

(8) Subsection 29 (1.2) of the Act, as it reads on and after the day this section comes into force, does not apply with respect to a property in a municipality if the event prescribed by section 2 of this Regulation occurred before the day this section comes into force.

Commencement

21. [Commencement]

SCHEDULE

SECTION 29 OF THE ACT AS MODIFIED FOR THE PURPOSES OF SUBSECTION 30.1 (1) OF THE ACT

Amendment of designating by-law

29. (1) The council of a municipality may, by by-law, amend a by-law designating a property within the municipality to be of cultural heritage value or interest if the amendment is made in accordance with the process set out in this section.

Notice required

(1.1) Subject to subsection (2), if the council of a municipality intends to amend a by-law designating a property within the municipality to be of cultural heritage value or interest, it shall cause a notice of proposed amendment to be given by the clerk of the municipality in accordance with subsection (3).

Consultation

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving a notice of proposed amendment, consult with its municipal heritage committee.

Notice of proposed amendment

(3) A notice of proposed amendment shall be,

(a) served on the owner of the property and on the Trust; and

(b) published in a newspaper having general circulation in the municipality.

Contents of notice

(4) A notice of proposed amendment that is served on the owner of property and on the Trust under clause (3) (a) shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) an explanation of the purpose and effect of the proposed amendment; and

(c) a statement that notice of objection to the notice of proposed amendment may be served on the clerk within 30 days after the date of publication of the notice of proposed amendment in a newspaper of general circulation in the municipality under clause (3) (b).

Same

(4.1) A notice of proposed amendment that is published in a newspaper of general circulation in a municipality under clause (3) (b) shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) an explanation of the purpose and effect of the proposed amendment;

(c) a statement that further information respecting the notice of proposed amendment is available from the municipality; and

(d) a statement that notice of objection to the notice of proposed amendment may be served on the clerk within 30 days after the date of publication of the notice of proposed amendment in a newspaper of general circulation in the municipality under clause (3) (b).

Objection

(5) A person who objects to a proposed amendment to a designating by-law shall, within 30 days after the date of publication of the notice of proposed amendment, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

Consideration of objection by council

(6) If a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of proposed amendment within 90 days after the end of the 30-day period under subsection (5).

Notice of withdrawal

(7) If the council of the municipality decides to withdraw the notice of proposed amendment, either of its own initiative at any time or after considering an objection under subsection (6), the council shall withdraw the notice by causing a notice of withdrawal,

(a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and

(b) to be published in a newspaper having general circulation in the municipality.

If no notice of objection or no withdrawal

(8) If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of proposed amendment, the council may pass a by-law amending the by-law designating the property, provided the following requirements are satisfied:

1. The amending by-law must be passed within 365 days after the date of publication of the notice of proposed amendment under clause (3) (b) or within such other period of time that is mutually agreed upon by the council and the owner of the property.

2. The by-law designating the property, as amended, must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.

3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:

    i. A copy of the amending by-law.

    ii. A notice that any person who objects to the amending by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

4. The council must publish notice of the amending by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Deemed withdrawal

(9) If the council of the municipality has not passed an amending by-law under subsection (8) within the time set out in paragraph 1 of that subsection, the notice of proposed amendment is deemed to be withdrawn and the municipality shall cause a notice of withdrawal,

(a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and

(b) to be published in a newspaper having general circulation in the municipality.

Same

(10) For clarity, the deemed withdrawal of a notice of proposed amendment under subsection (9) does not prevent the council from giving a new notice of proposed amendment in accordance with this section.

Appeal to Tribunal

(11) Any person who objects to the amending by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under

paragraph 4 of subsection (8), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If no notice of appeal

(12) If no notice of appeal is given within the time period specified in subsection (11),

(a) the amending by-law comes into force on the day following the last day of the period; and

(b) the clerk shall ensure that a copy of the amending by-law is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered by-law is served on the Trust.

If notice of appeal

(13) If a notice of appeal is given within the time period specified in subsection (11), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Forwarding of record of decision

(14) If the council of the municipality made a decision on a notice of objection under subsection (6) and if a notice of appeal is given within the time period specified in subsection (11), the clerk of the municipality shall ensure that the record of the decision under subsection (6) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

Powers of Tribunal

(15) After holding the hearing, the Tribunal shall,

(a) dismiss the appeal; or

(b) allow the appeal in whole or in part and,

(i) repeal the amending by-law,

(ii) amend the amending by-law in such manner as the Tribunal may determine,

(iii) direct the council of the municipality to repeal the amending by-law, or

(iv) direct the council of the municipality to amend the amending by-law in accordance with the Tribunal's order.

Dismissal without hearing of appeal

(16) Despite the *Statutory Powers Procedure Act* and subsections (13) and (15), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

(a) the Tribunal is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or

(ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;

(b) the appellant has not provided written reasons in support of the objection to the amending by-law;

(c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or

(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

Representations

(17) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (16), the Tribunal shall,

(a) notify the appellant of the proposed dismissal; and

(b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

Coming into force

(18) If one or more notices of appeal are given to the clerk within the time period specified in subsection (11),

(a) the amending by-law comes into force when all of such appeals have been withdrawn or dismissed;

(b) if the amending by-law is amended by the Tribunal under subclause (15) (b) (ii), the amending by-law, as amended by the Tribunal, comes into force on the day it is so amended; or

(c) if the amending by-law is amended by the council pursuant to subclause (15) (b) (iv), the amending by-law, as amended by the council, comes into force on the day it is so amended.

Registration of by-law

(19) The clerk of a municipality shall ensure that a copy of an amending by-law that comes into force under subsection (18) is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered by-law is served on the Trust.