

# **The Corporation of the City of Kawartha Lakes**

## **Committee of the Whole Report**

**Report Number ED2019-023**

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**Meeting Date:**      **November 5, 2019**

**Title:** Delegated Authority for Alterations to Heritage Properties By-law

**Description:** A proposed by-law to formally delegate authority to municipal staff to approve certain types of alterations to designated heritage properties

**Ward Number:** All Wards

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

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### **Recommendation(s):**

**That** Report ED2019-023, **Delegated Authority for Alterations to Heritage Properties By-law**, be received; and

**That** the necessary by-law be forwarded to Council for consideration at the next Regular Council Meeting.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At its meeting of October 3, 2019, the Kawartha Lakes Municipal Heritage Committee adopted the following resolution:

**KLMHC2019-35**

**Moved By** J. Garbutt

**Seconded By** R. Macklem

That the Municipal Heritage Committee recommends that Council adopt a by-law to delegate authority to approve alterations to heritage properties.

**Carried**

This report addresses that direction.

## **Rationale:**

In 2005, amendments were made to the Ontario Heritage Act to allow Council to delegate authority for the approval of certain types of alterations to heritage designated properties to staff. This process, which is outlined under subsections 33(15) and 33(16) of the Act for individually designated properties and subsections 42(16) and 42(17) for properties located in a heritage conservation district (HCD), allows Council to identify certain classes of alterations which Council does not need to review and which can be delegated to staff. In order to do so, the Act stipulates that Council must consult with its municipal heritage committee and pass a by-law outlining which alterations may be reviewed and approved by staff.

In practice, the majority of alterations to heritage properties in the City of Kawartha Lakes are currently reviewed and approved by staff and the Municipal Heritage Committee. This has excluded alterations which include demolition of property or are part of a development application which have historically been referred to Council for its review. Furthermore, the Heritage Conservation District plans adopted by Council in 2017 for the Downtown Lindsay and Oak Street HCDs in By-laws 2017-212 and 2017-182, respectively, outlined certain types of alterations that were delegated to staff for approval. However, this process has not been formalized in a by-law as required by the Act. In order to comply with provincial legislation, staff have developed a draft by-law to clarify which types of alterations do not require review by Council and to formalize the approvals process. The draft by-law is attached as Appendix A.

The delegation of authority to staff allows for the approval of the vast majority of alterations to heritage properties to become less cumbersome for property owners. The ability of staff to review and approve alterations to heritage properties makes the process easier and faster for owners of heritage properties.

Applicants must still apply and receive planning approvals and building permits as appropriate. As applicable law under the Ontario Building Code, approval under the Ontario Heritage Act must be received prior to a building permit being issued and the delegation of the approval process to staff can significantly accelerate the time between application and the issuance of a building permit.

Furthermore, with the increasing number of designated properties in the municipality and the expansion of its heritage program, particularly with regard to the two new HCDs created in 2017, it is anticipated that applications for alterations will increase in the years to come. The majority of applications received are minor in nature and can be reviewed by staff. The delegation of authority allows Council to focus its attention on applications for major alterations which may arise where there is a significant impact on the heritage attributes of a property or district, therefore making better use of Council time.

The proposed new by-law delegates authority to the Director of Development Services, or his or her designate, to approve certain types of alterations that will have a minimal impact on the heritage attributes of a property or HCD. These types of alterations are outlined in Section 2.02 and 2.03 of the appended draft by-law. In keeping with current practice, staff will still be required to consult with the Municipal Heritage Committee prior to approving alterations to property designated individually under Part IV of the Act. Changes to properties involving land use decisions, which have major implications to the heritage attributes of a property or district, or which involve the full or partial demolition or removal of a designated structure will remain the responsibility of Council, in consultation with the Municipal Heritage Committee and staff. Under the new by-law, staff may also refer any application to Council when additional review is deemed warranted. The application process currently in place for property owners to apply to make alterations to their heritage property will not change.

This by-law applies to all properties designated individually under Part IV of the Act or located within an HCD designated under Part V of the Act. It also applies to properties for which a notice of intention to designate has been issued by Council as per subsection 30(2) of the Act which stipulates that a property for which a notice of intention to designate has been issued will be treated as if it were designated with regard to application for proposed alterations.

Subsections 33(15) and 42(16) of the Act require that Council consult with its municipal heritage committee prior to adopting a by-law to delegate authority to staff. The Kawartha Lakes Municipal Heritage Committee has reviewed the new by-law and supports its adoption.

### **Other Alternatives Considered:**

No other alternatives are recommended.

## **Financial/Operation Impacts:**

There are no financial implications from the recommendation provided in this report.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The recommendation in this report directly supports Strategic Enabler 3: Municipal Service Excellence in the City's Strategic Plan. Specifically, it supports E3.3: Service Excellence which recommends the adoption of municipal best practices. The delegation of authority to approve alterations to heritage properties to is a municipal best practice across Ontario because it improves service to the public in this area by allowing for more expedient processing of permits.

This report and by-law also supports Goal 2 – An Exceptional Quality of Life, specifically Action 2.1.1 which recommends strengthening existing cultural and heritage assets in the municipality. The by-law supports the municipality's cultural and heritage assets by formalizing a process to manage change to built heritage assets.

## **Consultations:**

Municipal Heritage Committee  
Clerk's Office

## **Attachments:**

Appendix A – Draft Delegated Authority By-law



Appendix A Draft  
Heritage Delegated

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**Department Head:** Chris Marshall