

Draft

Alteration and Demolition of Heritage Property Policy

Policy Statement and Rationale

The Ontario Heritage Act and the City's Official Plan authorize the City to have set procedures which require the submission of certain documentation as part of an application by an owner to alter or demolish a heritage property located within the municipality, repeal a heritage designation by-law, or remove a listed property from the Heritage Register. This policy is intended to establish the process of application for the alteration or demolition of a heritage property, the repeal of a heritage designation by-law, or the removal of listed property from the Heritage Register, including the submission requirements for applicants, and staff and Council procedures for processing such applications.

Ontario Regulation #TBD under the Ontario Heritage Act prescribes minimum submission requirements for an application to alter or demolish a heritage property but stipulates that a municipality may also request additional materials which have been established through a by-law, Council resolution or plan. Similarly, Sections 27, 34, and 42 of the Ontario Heritage Act require Council to identify the information it requires when processing an application for the demolition of a listed or individually designated property and the alteration and/or demolition of a property designated as part of a Heritage Conservation District. This policy responds to that legislative direction.

Both the Provincial Policy Statement (2020) and the City's Official Plan require the municipality to conserve its heritage resources, as part of its broader approach to planning, development, and growth. This policy is intended to strike a balance between the preservation of important heritage properties in the City of Kawartha Lakes with the understanding that both alteration and demolition applications are received for these properties for a variety of reasons. It is also intended to address provincial requirements under the Ontario Heritage Act and its regulations, while providing transparency and consistency for applicants, staff, and Council regarding the process, submission requirements, and evaluation procedures for applications to alter or demolish a heritage property.

Scope

This policy applies to heritage properties as identified on the City's Heritage Register. These include:

- Properties designated individually under Part IV of the Ontario Heritage Act

- Properties designated under Part V of the Act as part of a Heritage Conservation District
- Properties listed on the Heritage Register as properties of cultural heritage value or interest

This policy also applies to individual properties for which a Notice of Intention to Designate has been issued by Council in accordance with Section 30 of the Act, which provides for interim control prior to the passage of a designation by-law. It may also apply to properties located in a Heritage Conservation District study area if Council has passed a study area by-law with interim controls that prohibits or set limitations with regard to the demolition or removal of buildings or structures within the study area, as enabled by Section 40.1 of the Act. It does not apply to a Heritage Conservation District study area if a by-law has not been passed to designate it as a study area and provide interim controls.

Properties located within a Heritage Conservation District which have been identified as non-contributing properties in a Heritage Conservation District Plan are also subject to these requirements in instances where they are required to submit heritage permit applications to the municipality. In general, this would include the construction of a new building, the demolition of property or the installation of commercial signage. However, for these properties, the submission requirements may be scoped or waived as appropriate.

The requirements for the request to repeal a designation by-law only applies to properties designated under Part IV of the Act for which an individual designation by-law can be repealed. Individual properties within an Heritage Conservation District designated under Part V of the Act cannot opt out of a Heritage Conservation District Plan.

Policy:

Heritage Register

As required by subsection 27(1) of the Ontario Heritage Act, the City has established and will maintain a Register of Heritage Properties (the Heritage Register) located within the municipality. The Register will include properties designated under Parts IV and V of the Act and listed properties. As required by the Act, it will be publically accessible in the Clerk's Office as well as on the City's website, in the Economic Development Office, and in the Building Division. The Register will be maintained by the Economic Development Officer – Heritage Planning, or designate, and updated as necessary. Owners of properties within the municipality and other members of the public will be able to access the Register to ascertain whether or not a property is subject to this policy. There is no fee to access the Heritage Register.

Properties included under this policy because they are subject to interim controls under Section 30 or Section 40.1 of the Act are not included on the Register. However, owners of these properties will receive notice as required by subsections 29(4) and 40.1(3) of the Act, as appropriate, which will alert them to the interim controls in place.

Definitions: In this policy,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, or disturb; and “alteration” and “altering” have corresponding meanings;

“applicant” means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf;

“Building Code Act” means the *Building Code Act*, S.O. 1992, Chap. 23, as amended or any successor thereof;

“Building By-law” means the by-law or by-laws passed by the municipality for the administration and enforcement of the Building Code Act within the City of Kawartha Lakes, as amended from time to time;

“building permit” means a permission or authorization given in writing by the Chief Building Official for the construction or demolition of a building or structure, or part thereof, as defined in subsection 1(1) of the Building Code Act;

“Chief Building Official” means the person appointed by Council as the Chief Building Official for the purpose of the enforcement of the Building Code Act;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“delegated authority by-law” means the by-law or by-laws passed by Council under Sections 33 and 42 of the Ontario Heritage Act to delegate authority to approve the alteration of heritage property to an employee or appointed officer of the City by position occupied, as amended from time to time;

“demolish” means the removal of a building or structure, in whole or in part, from a property, either by destruction or relocation, the removal of a heritage attribute from a property designated under Part IV of the Act as identified in a property’s designation by-law, or the removal of a heritage attribute from a property designated under Part V of the Act where the removal would impact the heritage attributes of the district as identified in a heritage conservation district plan; and “demolition” and “demolishing” have corresponding meanings;

“demolition permit” means a permission or authorization given in writing by the Chief Building Official for the demolition, in whole or in part, of a structure;

“designated property” means any property that is designated individually under Part IV of the Ontario Heritage Act or under Part V of the Act as part of a Heritage Conservation District;

“Economic Development Officer – Heritage Planning” means the person who holds that position or his or her designate(s) as appointed, or, in the event of organizational changes, another person designated by Council;

“Heritage Conservation District” means a Heritage Conservation District designated under Part V of the Ontario Heritage Act;

“Heritage Conservation District plan” means a plan adopted by Council to provide direction on the preservation of heritage character and defining elements of a Heritage Conservation District;

“heritage permit” means the authorization given in writing by the municipality to make alterations, including demolition, to a heritage property;

“heritage property” means any property that is designated under Part IV or Part V of the Ontario Heritage Act, is subject to a Notice of Intention to Designate, is located in a heritage conservation district study area subject to an interim control by-law, or is listed as a property of cultural heritage value or interest on the City’s Heritage Register and includes buildings, structures, landscape features and subject lands;

“Heritage Register” or **“Register”** means the City’s register of properties situated in the municipality which are of cultural heritage value or interest as enabled by Section 27 of the Ontario Heritage Act;

“listed property” means a property included on the City’s Heritage Register as being of cultural heritage value or interest that is not designated under Part IV or Part V of the Ontario Heritage Act;

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the *Ontario Heritage Act*, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“owner(s)” means the owner of a heritage property and includes a corporation or partnership, the heirs, executors, administrators, and other legal representatives of a

person to whom the context can apply according to the law, and the person who has made application for approval for the alteration or demolition of a heritage property;

“Planning Act” means the *Planning Act*, R.S.O. 1990, Chap. 13, as amended or any successor thereof;

“Sign By-law” means City of Kawartha Lakes By-law 2009-076, being a By-law to Regulate Advertising Devices in the City of Kawartha Lakes, as amended from time to time.

Procedures:

Roles

The implementation of this policy will be coordinated by the City’s Economic Development Officer – Heritage Planning in conjunction with Building and Planning staff. Staff will:

- Ensure that the Heritage Register is kept up to date to provide a complete inventory of all properties to which this policy applies
- Conduct pre-consultations with applicants
- Conduct site visits to subject properties as required
- Advise applicants of the submission requirements and ensure all appropriate documentation is submitted
- Request additional information from the applicant as required
- Review applications, studies and plans and make recommendations to the Municipal Heritage Committee and Council
- Ensure all statutory requirements under relevant legislation including, but not limited to, the Ontario Heritage Act, the Planning Act, and the Building Code Act are met
- Waive submission requirements as appropriate
- Review and approve applications for certain classes of alterations for which authority is delegated to staff, as outlined in the delegated authority by-law
- Issue appropriate permits and execute relevant documents as directed by Council

Under the Ontario Heritage Act, the Municipal Heritage Committee must be consulted regarding the demolition of a heritage property, the repeal of a designating by-law and/or the removal of a listed property from the Heritage Register. The Committee must also be consulted when an application for alteration is presented to Council. Similarly, under the City’s delegated authority by-law, staff must also consult with the Committee regarding the approval of certain classes of alterations for which authority is delegated

to staff when the property in question is designated under Part IV of the Act. The Municipal Heritage Committee will:

- Review applications, studies, plans and recommendations from staff
- Request additional information from staff and/or the applicant as required
- Provide recommendations to staff regarding the approval of certain classes of alterations to individually designated properties for which authority is delegated to staff, as outlined in the delegated authority by-law
- Provide recommendations to Council regarding alterations, demolitions, the repeal of heritage designation by-laws and the removal of property from the Heritage Register

The Ontario Heritage Act establishes Council as the decision-making body on matters regarding the demolition or alteration of a heritage property, the repeal of a heritage designation by-law or the removal of a property from the Heritage Register. As per the Act, only Council may consent to the full or partial demolition of a property, repeal a heritage designation by-law, and/or remove a property from the Heritage Register. While under the City's delegated authority by-law, certain classes of alterations are delegated to staff for approval, certain type of alterations are not delegated and must be approved by Council. Similarly, Council may retain authority related to the approval of any application to alter a heritage property. Council will:

- Review applications, studies, plans, and recommendations from staff and the Municipal Heritage Committee
- Request additional information from staff, the Municipal Heritage Committee and/or the applicant as required
- Consent to or deny applications to demolish a heritage property, in full or in part
- Consent to or deny applications to alter a heritage property
- Repeal designation by-laws, as appropriate
- Remove properties from the Heritage Register, as appropriate

Removal of Heritage Attributes

Subsections 34(1) and 42(1) of the Ontario Heritage Act define the demolition of a designated property as either the full demolition or removal of a property designated under either Part IV or Part V, respectively, of the Act or the removal of any of a designated property's identified heritage attributes. For properties designated under Part IV of the Act, this means the removal of any of the heritage attributes identified in the property's individual designation by-law. For properties designated under Part V of the Act, this means the removal any heritage attribute of a property if its removal would affect the heritage attributes of the district as a whole as identified in the heritage conservation district plan.

For the purpose of determining submission requirements and processing applications, a property's heritage attributes will be considered to have been removed when they are removed from a property and not replaced. Such applications will follow the submission requirements and process for demolition. Applications where heritage attributes are removed and replaced in kind, for example as part of a restoration project, will not be considered to have been removed and will be processed as alterations.

Cultural Heritage Evaluation Reports and Heritage Impact Assessments

As part of an application to alter or demolish a heritage property, repeal a designating by-law or remove a listed property from the Heritage Register, staff may request either a Cultural Heritage Evaluation Report or a Heritage Impact Assessment from the applicant. Each study is designed to fulfil a different purpose and will be requested based on the nature of the proposal. The preparation of either study will be undertaken by a qualified heritage professional and follow the respective Terms of Reference developed by the City.

A Cultural Heritage Evaluation Report (CHER):

- Reviews and summarizes the history and development of a site
- Identifies any cultural heritage resources, including built or natural heritage and cultural heritage landscapes, present on the site
- Evaluates the identified cultural heritage resources based on O. Reg. 9/06 and/or O. Reg. 10/06
- Identifies the potential for impacts from future development on the site, if applicable
- Provides conclusions and recommendations regarding the cultural heritage value of the site

A CHER may be requested when the cultural heritage value of a property is unclear or in question, or when it is required to determine the presence and scope of cultural heritage resources on a site. In general, a CHER will be requested with an application is made to remove a listed property from the Heritage Register or repeal a designation by-law when there is not a corresponding application for demolition or alteration.

A Heritage Impact Assessment (HIA):

- Determines the impact of a proposed development on a cultural heritage resource
- Identifies any cultural heritage resources, including built or natural heritage and cultural heritage landscapes, present on the site and summarizes its historical development

- Identifies potential mitigation and conservation strategies to protect the cultural heritage resource present on the site
- Provides recommendations and conclusions regarding the most appropriate mitigation and conservation strategies for identified heritage resources in relation to the proposed development.

An HIA may be requested when a proposed development has the potential to impact an identified cultural heritage resource. In general, an HIA will be requested when an application is submitted under the Planning Act which directly involves or is adjacent to an identified heritage property or cultural heritage landscape, including a heritage conservation district. An HIA will also be requested with an application is made to demolish a heritage property.

Submission requirements

The Ontario Heritage Act allows for a municipality to request the submission of certain documents as part of a complete application to alter a heritage property, demolish a heritage property or remove it from the Heritage Register and the power for a municipality to deem when an application is complete. The following sets out the documents required for a complete application for the alteration or demolition of a heritage property, the repeal of a designating by-law, and/or the removal of a listed property from the Heritage Register.

Alteration

Authorization for the alteration of a heritage property is granted through the issuance of a heritage permit and applicants will apply using the Heritage Permit Application form. For alterations which also require a building permit, heritage approvals must be granted prior to application for a building permit from the Building Division. For alterations which also require permission under the Planning Act, applications may be processed either consecutively or concurrently. Applicants are required to submit a complete application for the alteration of a heritage property prior to their application being processed.

An application for the alteration of a heritage property is not deemed to be complete under the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Completed Heritage Permit Application Form including the following information:
 - The name, address, telephone number, and, if applicable, the email address of the applicant
 - A description of the subject property including the municipal address and legal description
 - A written description of the proposed alterations and reasons for undertaking them

- Identification of other applications made to the City relating to the proposed alteration
- An affidavit or sworn declaration by the applicant certifying that the information provided is complete and accurate
- Photo documentation of the portion of the property to be altered
- Site plan, elevations, and other drawings, as appropriate, clearly demonstrating the proposed alteration to the property. Drawings must include all architectural details and proposed materials

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer – Heritage Planning. In addition to the requirements listed above, the applicant may be required to submit additional supporting documents that may be identified by the City as being relevant or necessary to the evaluation of the application. These may include, but are not limited to, a Heritage Impact Assessment or Engineering Report. Any additional requirements will be established at a pre-consultation meeting prior to application. Staff may request entry onto the property in order to evaluate the proposed alteration on the heritage attributes of the site.

If a heritage permit is granted for the alteration of the property, the applicant is then responsible for applying for a building permit from the City's Building Division and fulfilling any and all requirements under the Building Code Act and as required by the City's Building By-law, as amended, prior to the issuance of a building permit. Applications for new commercial signage are required to apply for and receive a Sign Permit, as required by the City's Sign-By-law. Some alterations to heritage properties for which a heritage permit is required, such as the replacement of doors and windows, will not require a building permit. The applicant should consult with the Building Division to verify the requirements under the Building Code Act.

The applicant is also responsible for ensuring any permissions required under the Planning Act are received and any conditions related to those applications are fulfilled. Not all heritage permit applications will require an application to be made under the Planning Act, but the applicant should consult with the Planning Division to verify the requirements under the Planning Act.

There is no additional fee to process an application to alter a heritage property. The appropriate fee is payable for the application for a building permit from the Building Division as per the fee schedule in the Building By-law.

Owners of listed properties are not required to apply for a heritage permit to alter their property, except for demolition. This section of the policy does not apply to listed properties.

Demolition

Authorization for the demolition of a heritage property is granted through the issuance of a heritage permit and applicants will apply using the Heritage Permit Application form. Heritage approvals must be granted prior to application for a demolition permit from the Building Division. Applicants are required to submit a complete application for the demolition of heritage property prior to their application being processed. Approval from Council is required for the full or partial demolition of a heritage property.

An application for the demolition of a heritage property is not deemed to be complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Completed Heritage Permit Application Form
- Heritage Impact Assessment prepared in accordance with the City's Heritage Impact Assessment Terms of Reference
- A scaled, full size site plan and elevation drawings which clearly show the proposed future use of the site with the location of the existing buildings clearly identified. Elevation drawings must include all architectural details and proposed materials.
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
 - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
 - Block map
 - Certified copy of PIN
 - Certified copy of old abstract pages
 - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
 - Copies of reference plans

For properties where the demolition involves the relocation of a heritage building to another site, the owner will also be required to submit a site plan which clearly shows the proposed future location of the heritage building.

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer- Heritage Planning. In addition to the requirements listed above, the applicant may be required to submit any other supporting materials that may be identified by the City as being relevant and necessary to the evaluation of the application. Any additional requirements will be established at a pre-

consultation meeting prior to application. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

The documents required for a complete submission under this policy may be waived all or in part in writing by the Economic Development Officer – Heritage Planning, in consultation with Planning and Building staff. Reasons for waiver of some or all submission documents may include, but are not limited to:

- Demolition of a property, in whole or in part, that is required to ensure public safety as determined by the Chief Building Official
- Measures required to deal with an emergency that puts the integrity of a building or structure in danger as determined by the Chief Building Official
- Demolition of the interior of a building when the building is listed on the Heritage Register, designated under Part V of the Ontario Heritage Act as part of a heritage conservation district, or designated under Part IV of the Ontario Heritage Act and does not have identified interior attributes and the interior demolition will not compromise the structural integrity of the building or the property's identified heritage attributes
- Demolition of an accessory structure not identified in a heritage designation by-law

The waiver of documents will be confirmed in writing by the Economic Development Officer – Heritage Planning. In situations where documents and/or requirements are waived prior to the full or partial demolition of a structure, the applicant still must receive consent in writing from the Economic Development Officer – Heritage Planning, through the issuance of a heritage permit, and a demolition permit from the Building Division prior to commencing demolition.

If a Heritage Permit is granted for the demolition of a structure, the applicant is then responsible for applying for a demolition permit from the City's Building Division and fulfilling any and all requirements under the Building Code Act and as required by the City's Building By-law, as amended, prior to the issuance of a demolition permit.

In cases where there will be new construction, either of a new building or as an addition to an existing heritage building, as the next step to demolition, the application for a heritage permit for new construction may be processed simultaneously with the application to demolish.

If an application for demolition involves partial demolition of a property and can be considered minor in nature and will not have an impact on the property's heritage attributes, such as, for example, the removal of a non-historic addition, staff may process the application through the heritage alterations application process, as opposed

to the demolition process outlined in this policy. This may allow a permit to be granted without approval from Council, should it be deemed appropriate, under the City's delegated authority by-law. In such cases, the application will follow the submission requirements, processes, and timelines prescribed under Sections 33 or 42 the Act and in this policy for alterations to heritage properties. Applicants will be advised regarding the processing stream for their application at the pre-consultation meeting.

The applicant will be required to pay the established fee for the demolition of a heritage property as outlined in the City's Consolidated Fees By-law. The applicant is also responsible for any additional fees incurred as a result of the application which may include peer review or appeal to the Local Planning Appeals Tribunal (LPAT).

Repeal of Designation By-law

Section 32(1) of the Ontario Heritage Act allows the owner of an individually designated property to apply to the Council of a municipality to repeal the designation by-law of their heritage property. Approval from Council is required for the repeal of a designating by-law. An application to repeal, in whole or in part, a designating by-law for a property designated under Part IV of the Ontario Heritage Act is not deemed complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Notification, in writing, of the applicant's intention to apply to Council to repeal the designation by-law including a detailed description of the reasons for which the repeal of the designating by-law is being requested
- A Cultural Heritage Evaluation Report prepared in accordance with the City's Cultural Heritage Evaluation Report Terms of Reference, or a Heritage Impact Assessment prepared in accordance with the City's Heritage Impact Assessment Terms of Reference, as appropriate
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
 - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
 - Block map
 - Certified copy of PIN
 - Certified copy of old abstract pages
 - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
 - Copies of reference plans

If the applicant is also seeking a heritage permit for demolition, they must also submit the documentation noted above as part of their application to demolish the property. Applications which involve both the demolition of a property and the repeal of a designating by-law should be submitted concurrently and will be processed as a single application. Applicants are not required to submit duplicate documentation.

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer- Heritage Planning. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

Staff will request either a Cultural Heritage Evaluation Report or a Heritage Impact Assessment Report as part of an application to repeal a designating by-law. In general, a CHER will be requested in situations where the applicant is seeking to only repeal the designating by-law. An HIA will be requested where the repeal of the designating by-law is requested in conjunction with an application to demolish or alter and/or an application made under the Planning Act. Staff will advise the applicant as to the required study at the pre-consultation meeting.

Although applications to demolish a property and repeal its designating by-law should be submitted together, the designating by-law for the property will be presented to Council for repeal after the subject property has been demolished.

The documents required for a complete submission may be waived, in whole or in part, in writing by the Economic Development Officer – Heritage Planning in consultation with Building and Planning staff if it is deemed appropriate.

The applicant will be required to pay the established fee for the repeal of a heritage designation by-law as outlined in the City's Consolidated Fees By-law. The applicant is also responsible for any additional fees incurred as a result of the application which may include peer review or appeal to the LPAT.

Removal of a Listed Property from the Heritage Register

Owners may request that their listed property is removed from the Heritage Register, either because they believe that it does not have cultural heritage value or because they wish to demolish the property. Approval from Council is required to remove a property from the Heritage Register. For applications which involve the demolition of the property, the applicant must submit an application to demolish the property, as outlined above, and the submission requirements for the demolition of a heritage property apply. The property will be removed from the Heritage Register after it has been demolished.

The partial demolition of a property, such as the removal of an addition or the demolition of the interior, will not necessitate the removal of a listed property from the Heritage

Register and will be processed on a case by case basis. Submission requirements may be scoped or waived by staff.

For applications where the owner is proposing the removal of a property from the Heritage Register but is not proposing the demolition of the property, an application to remove a listed property from the Heritage Register is not deemed complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Notification, in writing, of the applicant's intention to apply to Council to remove the property from the Heritage Register including the reasons for which the removal from the Register is being requested
- A Cultural Heritage Evaluation Report prepared in accordance with the City's Cultural Heritage Evaluation Report Terms of Reference
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
 - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
 - Block map
 - Certified copy of PIN
 - Certified copy of old abstract pages
 - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
 - Copies of reference plans

An application is deemed complete when all of the required documents are submitted to the Economic Development Officer – Heritage Planning. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

The documents required for a complete submission may be waived, in whole or in part, in writing by the Economic Development Officer – Heritage Planning if it is deemed appropriate.

Application Process

Application for the alteration or demolition of a heritage property, the repeal of a designating by-law or the removal of a listed property from the Heritage Register will follow the requirements and process outlined in the Ontario Heritage Act and the City's delegated authority by-law and will take place within the timeframes outlined by the Act (see below). The general process will be as follows:

1. The applicant meets with staff at a pre-consultation meeting before submitting an application where staff will advise on their proposal and establish waiver of document submission, if applicable, and/or any additional documentation that might be required. It is the responsibility of the applicant to reach out to staff to coordinate the meeting. The meeting will be coordinated by the Economic Development Officer – Heritage Planning. Alternately, the applicant may undertake preconsultation through the Planning Division's Preconsultation process for applications which require an associated Planning Act application.
2. The applicant submits a completed heritage permit application form or notice of intent and all required documentation. Staff review application for completeness and request additional information if necessary. A notice of receipt is served on the applicant when the application is deemed complete.
3. For applications where authority is delegated to staff, staff review the application and approve, approve with conditions, or deny the application. A notice of decision is served on the applicant. The applicant may appeal the decision to Council.
4. For application where authority is not delegated or where recommendations from the Municipal Heritage Committee are required, staff prepare a report for the Municipal Heritage Committee including a staff recommendation, the application and all submitted documents.
5. The application is reviewed by the Municipal Heritage Committee which makes a recommendation, through a resolution, regarding the application.
6. For applications for which authority is delegated to staff in consultation with the Municipal Heritage Committee, staff serve a notice of decision, approving, approving with conditions, or denying the application, on the applicant. The applicant may appeal the decision to Council.
7. For applications where authority is not delegated, staff prepare a report for Council including the Municipal Heritage Committee's recommendation, the application, and all submitted documents.
8. Council reviews the application and makes a decision to approve, approve with conditions, or deny the application.
9. Staff execute the appropriate documents, provide notification to the owner, revise the Heritage Register, publish appropriate public notifications, and notify the Ontario Heritage Trust, as necessary with respect to the type and outcome of the application.

For applications to repeal a designation by-law that also includes the demolition of the designated property in question, the applications should be submitted simultaneously and will be processed as a single application. However, the designating by-law will only be repealed after the property has been demolished and an inspection carried out by a Building Inspector. Similarly, a listed property for which demolition is proposed will only

be removed from the Heritage Register once the property has been demolished and an inspection carried out.

Building and/or demolition permits will not be issued until heritage permits have been issued as per the requirements of the Building Code Act. Similarly, applications under the Planning Act will not be approved until heritage permits have been issued for the proposed alterations or demolition.

Relocation of Heritage Properties

If an application to demolish a heritage property involves the relocation of a building to another site, the by-law will be repealed, repealed and replaced or amended, as appropriate, to reflect the new site of the building, its associated legal description, and any changes in the heritage attributes or statement of significance. The by-law will not be repealed or amended until the building is moved to its new site. The processes established under the Ontario Heritage Act for repeal or amendment will be followed.

Any removal which requires the disinterment and/or relocation of human remains or a burial marker from a heritage property will follow the processes outlined in the Funeral, Burial and Cremation Services Act which prevails over the Ontario Heritage Act. Applications of this nature will be processed on a case by case basis in consultation with the applicant and other relevant agencies, including local First Nations as appropriate.

Amendment of a Heritage Designation By-law Following a Partial Demolition

If an application to demolish a heritage property designated under Part IV of the Act involves the partial demolition of a building, the demolition of one building which forms part of a designated property, or the permanent removal of heritage attributes and the application is approved, the designation by-law for the property will be amended to reflect the changes to the property. The process for amending a designation by-law, including the provision of notice and appeal process, is established by Section 30.1 of the Act.

Applicants do not need to apply to amend the designating by-law for the property. An amending by-law will be brought forward by staff, in accordance with the processes outlined in the Act, following approval of the demolition by Council to reflect the changes made to the property.

Application Timeframes

The Ontario Heritage Act establishes timeframes for consent to or refusal of permits for the alteration of heritage properties under Sections 30(4) and 42(4), the demolition of

heritage properties under Sections 27(3), 34(2), and 42(4) of the Act, and for repeal of a designation by-law under Section 32(2). The prescribed timeframes are:

- 60-day review period for the demolition of a listed property
- 90-day review period for the alteration of a property designated under Part IV or V of the Act
- 90-day review period for the demolition of a property designated under Part IV or V of the Act
- 90-day review period for the repeal of a by-law designating a property under Part IV of the Act

The City will adhere to these timeframes which begin when an application is deemed complete and a notice of receipt is served on the applicant.

There is no timeline established in the Act for the removal of a property from the Heritage Register that does not include the demolition of the property. In keeping with the legislated timeline for other types of applications, the City will process these requests within 90 days of deeming the application complete and serving a notice of receipt on the applicant.

Legislative and Administrative Authority

Ontario Heritage Act, 1990

Planning Act, 1990

Building Code Act, 1992

Funeral, Burial and Cremation Services Act, 2002

Provincial Policy Statement, 2020

City of Kawartha Lakes Official Plan, including Official Plan Amendment 26 (2017)

City of Kawartha Lakes By-law 2019-154