



Municipal Heritage Committee Report

Report Number: KLMHC2021-18

Meeting Date: May 6, 2021

Title: **Amendment to the Heritage Delegated Authority By-law**

Description: Proposed amendment to the heritage Delegated Authority By-law (By-law 2019-154)

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

Recommendation(s):

That Report KLMHC2021-18, **Amendment to the Heritage Delegated Authority By-law**, be received;

That the proposed amendments to By-law 2019-154 (Delegate Authority for the Alteration of Heritage Property) be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In 2019, Council passed a by-law to delegate authority to approve certain types of alterations to heritage properties to staff. The delegation of authority is enabled by Sections 33 and 42 of the Ontario Heritage Act and is intended to increase efficiency in service delivery by simplifying the process to apply for and receive a heritage permit to undertake minor alterations to a heritage property. Councils may only delegate authority to approve alterations to property and, under the Act, may not delegate authority to approve the demolition of heritage properties, a process for which Council is the decision making body.

The amendments made to the Ontario Heritage Act by the More Homes, More Choice Act (2019) changed the definition of demolition within the Act. The demolition of a heritage property now includes both the full or partial demolition of a property and the removal of any of its heritage attributes. This would mean that any alteration application which included the removal of a heritage attribute would require Council approval.

After consultation with the Ministry of Heritage, Sport, Tourism and Culture Industries, staff have prepared an amendment to the City's delegated authority by-law to address the legislative changes to the Act. The proposed amendment involves the addition of a definition for demolition to the by-law to reflect the new definition under the Act. It also adds a section to the by-law to clarify when an application will be considered an alteration and when it will be considered a demolition.

The revised by-law, with amendments highlighted, is attached to this report as Appendix A.

Rationale:

The new definition of demolition under the Act is vague and does not adequately address what is meant by the removal of heritage attributes. This makes it difficult to interpret for staff, heritage committees, Councils and members of the public and means that the process for determining whether a heritage attribute has been removed is not clear. If it is interpreted as meaning any removal, whether or not that element or attribute is replaced, it would mean that a significant number of small alteration projects, namely restorations, would require approval by Council. This would significantly increase the time and effort it would take for a property owner to obtain

approval to undertake a project and may discourage owners from undertaking restoration projects. This would vastly decrease the City's ability to provide good service delivery and take up Council time unnecessarily.

Staff have received verbal guidance from the Ministry of Heritage, Tourism, Sport and Culture Industries that removal is intended to mean permanent removal of a heritage attribute, as opposed to the removal and replacement of a heritage attribute with a replica. In order to provide clarity and consistency to City processes, staff are proposing that this guidance be included in the delegated authority by-law to make clear that a project which includes the removal and in-kind replacement of a heritage attribute will be considered an alteration, not a demolition. Under the amendments to the Act, removals where the element is not replaced will be treated as demolitions and will require Council approval to proceed.

Staff are also proposing adding the new definition of demolition, as per the amendments to the Act, into the delegated authority by-law for clarity.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

Ministry of Heritage, Sport, Tourism and Culture Industries

Attachments:

Appendix A – Proposed Amendments to By-law 2019-154



Delegated Authority
Heritage 2021 Amend

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(Acting) Department Head: Richard Holy, (Acting) Director of Development Services