

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Amend By-law 2019-154, being a By-law to Delegate Authority for the Alteration of Heritage Property in the City of Kawartha Lakes

Recitals

1. Subsections 33(15) and 33(16) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law delegate the power to consent to alterations to property designated under Part IV of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.
2. Subsections 42(16) and 42(17) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law to delegate the power to grant permits for the alteration of a property designated under Part V of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.
3. Amendments to the Ontario Heritage Act have changed the definition of a demolition under the Act and amendments to the by-law are required to reflect the changes to the Act.
4. Council has consulted with its Municipal Heritage Committee.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** All defined terms in the amending by-law take their meaning from By-law 2019-154 in the City of Kawartha Lakes.
- 1.02 **Interpretation Rules:**
 - (a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Amendments to By-law 2019-154

2.01 **Amendment:** Section 1.01 is amended to include the following definition:

“**demolish**” means the removal of a building or structure, in whole or in part, from a property, either by destruction or relocation, or 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; and “demolition” and “demolishing” have corresponding meanings.

2.02 **Amendment:** The following is inserted as Section 2.04 and subsequent sections are renumbered:

Removal of Heritage Attributes: A heritage attribute will be considered removed and will constitute a demolition under the Act when it is removed and not replaced. A heritage attribute will be considered altered if it is removed for repair or removed and replaced in kind.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this day of , 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk