

The Corporation of the City of Kawartha Lakes

By-Law 2022-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. Section 23(1) of the Municipal Act, 2001, S.O. c.25 as amended, allows Council to delegate its powers and duties.
4. Amendments to the Ontario Heritage Act have prescribed new timelines for prescribed events and circumstances.
5. Council wishes to delegate to the Director of Development Services, or the Director's delegate, its powers and authorities to negotiate and extend timelines prescribed under the Act and to negotiate and enter into heritage easement agreements.
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:** The following is inserted as Section 2.06 and subsequent sections are renumbered:

Extension and Waiver of Timelines: The Director of Development Services, or designate, is authorized, at any point in time to agree in writing with the applicant to the extension of any time limit under the Act, or agree that any time limit does not apply within which Council must make a decision under the Act for any of the following:

- a) the exception to a prescribed event in subsection 29(1.2) of the Act;
- b) the prescribed circumstances to subsection 29(8)1 of the Act;
- c) an application under subsection 27(9) of the Act
- c) an application under Section 32 of the Act;
- d) an application under Section 33 of the Act;
- e) an application under Section 34 of the Act;
- f) an application under Section 42 of the Act;
- g) as may be otherwise permitted or prescribed under the Act.

- 2.02 **Amendment:** The following is inserted as Section 2.07 and subsequent sections are renumbered:

Heritage Easement Agreements: Following the enactment of a by-law by Council to provide for the entering into of a Heritage Easement Agreement, the Director of Development Services is authorized to enter into and execute Heritage Easement Agreement(s) or amend Heritage Easement Agreement(s) on such terms satisfactory to the City Solicitor.

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 [redacted] day of [redacted], 2022.

Andy Letham, Mayor

Cathie Ritchie, City Clerk