



BY-LAW NO. 2020-0030

A By-law to delegate Council's power under the Ontario Heritage Act for certain types of alterations to properties designated under Part IV and Part V of the Ontario Heritage Act.

WHEREAS the Council of the Corporation of the Town of Halton Hills has by By-law designated properties as Designated Properties pursuant to Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;

AND WHEREAS the Council of the Corporation of the Town of Halton Hills ("Council") has by By-law designated parts of the Town of Halton Hills as Heritage Conservation Districts in accordance with Part V, Section 42 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;

AND WHEREAS pursuant to Subsections 33(1) and 33(4) of the Ontario Heritage Act, Council is authorized to make decisions in respect of the consent to alteration of property designated under Part IV of the Act;

AND WHEREAS pursuant to Subsections 42(1) and 42(4) of the Ontario Heritage Act, Council is authorized to make decisions in respect of granting permits for the alteration of property designated under Part V of the Act;

AND WHEREAS pursuant to Subsections 33(15) and 42(16) of the Ontario Heritage Act, Council may, by By-law, delegate the power to consent to alterations to property designated under Part IV of the Act, and its power to grant permits for the alteration of property designated under Part V of the Act, to an employee or official of the municipality after consulting with the municipal heritage committee prior to the delegation of such power;

AND WHEREAS pursuant to Subsections 33(16) and 42(17) of the Ontario Heritage Act, a By-law that delegated Council's power to consent to alterations to property designated under Part IV of the Act to an employee or official of the Town of Halton Hills may delegate the power with respect to all or such classes of alterations as may be described in the By-law;

AND WHEREAS Council has consulted with its Municipal Heritage Committee, Heritage Halton Hills;

AND WHEREAS pursuant to Subsections 33(4) and 42(4) of the Ontario Heritage Act, Council is required to give its decision within 90 days after the notice of receipt of an application is served on the applicant, if a longer period is not agreed upon;

AND WHEREAS it is desired to provide for consents and permits for alteration of property designated under the Ontario Heritage Act where Council's schedule of regular meetings during the summer and during the municipal election may prevent a decision being given within the 90 day period, in emergency circumstances, and for certain classes of minor alterations;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

PART 1 – HERITAGE DELEGATION BY-LAW

This By-law may be cited as the Heritage Delegation By-law.

PART 2 – DEFINITIONS

1. In this By-law:

Commissioner means the Commissioner of Planning and Development of the Town of Halton Hills, and includes any person(s) designated to act in that capacity with respect to this By-law.

Committee means the Municipal Heritage Committee for the Town of Halton Hills, “Heritage Halton Hills”, and any person(s) or entity designated to act on its behalf.

Consent means a consent or permit issued under Part IV and Part V of the Ontario Heritage Act.

Council means the Council of the Corporation of the Town of Halton Hills.

Designated Property means real property in the Town, including all buildings, structures, and other features thereon, that have been designated under Part IV or are located in a Heritage Conservation District designated under Part V of the Act, or are subject to a notice of intention to designate under Section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest.

Owner means the registered owner(s) of the property as reflected on title at the Land Registry Office or on a current transfer/deed of the property as defined under the Act.

Town means The Corporation of the Town of Halton Hills.

PART 3 – DELEGATION OF AUTHORITY

2. Council hereby delegates to the Commissioner, the following powers of Council related to the Ontario Heritage Act:

- a. Consent to the alteration of a Designated Property under Part IV, Section 33(1) of the Ontario Heritage Act, or a Designated Property located in a Heritage Conservation District designated under Part V, Section 42(1) of the Ontario Heritage Act;
- b. Requesting, receiving, reviewing, and accepting or rejecting applications, plans, reports, documents, and any other information received from an Applicant seeking consent under Section 33(2) or a permit under Subsection 42(2);
- c. Upon receipt of an application together with such information and documentation as may be required under paragraph 2.b of this By-law, causing a notice of receipt to be served on the Applicant under Sections 33(3) and 42(3) of the Ontario Heritage Act;
- d. Extending the timeline in which alterations set out in Part IV consents or Part V permits can be undertaken if the Applicant is not able to complete the works within the required timelines; and,
- e. With the agreement of the Applicant and in accordance with Sections 33(5) and 42(4) of the Ontario Heritage Act, extending the 90-day timeline in which Council must make a decision on requested alterations to a Heritage Property under Parts IV and V of the Ontario Heritage Act.

3. Notwithstanding Section 2, the authority delegated to the Commissioner under paragraphs 2(a) and 2(b) of this By-law is limited to the following alterations to a Designated Property:
 - a. Exterior repainting of part or the whole of a building or structure;
 - b. Alterations to roofing material and colour;
 - c. Addition/removal/replacement of, or alterations to, permanent hard landscaping features, including but not limited to walkways, driveways, patios, planters, fences, gates, walls, trellises, arbours, and gazebos;
 - d. Addition/removal/replacement of, or alterations to, signage;
 - e. Addition/removal/replacement of, or alterations to, lighting;
 - f. Addition/removal/replacement of, or alterations to, basement windows and window wells;
 - g. Addition/removal/replacement of, or alteration, to, non-heritage features, including but not limited to doors, windows, trim, shutters, railings, stairs, porch flooring, columns, brackets, and decorative features;
 - h. Addition/removal/replacement of, or alterations to, detached single-storey accessory buildings or single-storey wings of structures provided that the work is deemed to be minor in nature, as determined by the Commissioner;
 - i. Minor revisions to previously approved consents or issued permits for alterations that are included in this By-law;
 - j. Temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building or structure at risk of damage; and,
4. In exercising the delegated authority in Sections 2 and 3 of this By-law, the Commissioner may:
 - a. Consent to alter a Designated Property under Part IV of the Ontario Heritage Act or issue a permit to alter a Designated Property situated within a Heritage Conservation District designated under Part V of the Ontario Heritage Act; or,
 - b. Grant a Part IV consent or issue a Part V permit to alter a Designated Property subject to written terms and/or conditions; or,
 - c. Refer an application for a Part IV consent or a Part V permit to alter a Designated Property to Council.
5. Council shall retain all powers and authority under the Ontario Heritage Act for the following matters:
 - a. Refusal of heritage permit applications under Sections 33(15) and 42(16) of the Ontario Heritage Act.
 - b. Approval of heritage permit applications under Section 42(16) of the Ontario Heritage Act for properties situated within a Heritage Conservation District designated under Part V of the Ontario Heritage Act that are not in accordance with the Heritage Conservation District Guidelines.
 - c. Approval or refusal of applications to demolish for properties designated under Part IV or Part V of the Ontario Heritage Act.
 - d. Notwithstanding Sections 5.a-c., in the event that Council is unable to make a decision within the 90-day timeline on requested alterations to a Heritage

Property under Parts IV and V of the Ontario Heritage Act and the Applicant is unwilling to enter into an agreement to extend the 90-day timeline in which Council must make a decision, the Commissioner can consent to or refuse an application.

PART 4 – COUNCIL MAY RETAIN AUTHORITY

6. Notwithstanding Section 2 of this By-law, Council shall retain all powers and authority under the Ontario Heritage Act where the Commissioner refers an application to the Committee and Council.

PART 5 - REPORTING

7. On semi-annual basis, Town Staff shall present to Council a written list of all decisions made on matters delegated under this By-law.
8. In the event any provisions of this By-law are deemed in valid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

BY-LAW read and passed by the Council for the Town of Halton Hills this 25th day of May, 2020.

MAYOR – RICK BONNETTE

CLERK – SUZANNE JONES