



CITY OF VAUGHAN
HERITAGE VAUGHAN COMMITTEE
AGENDA

Committee Room 244
2nd Floor
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario 7:00 p.m.

January 18, 2012

-
1. CONFIRMATION OF AGENDA
 2. DISCLOSURE OF INTEREST
 3. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Please see attached list of Agenda Items. Items which Committee members would like to discuss at this meeting ***are to be called*** at this point in the agenda by the members.
 4. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION
 5. PRESENTATIONS AND DEPUTATIONS
 6. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION
 7. NEW BUSINESS
 8. ADJOURNMENT

It is recommended that members familiarize themselves with the agenda items by reading the agenda package carefully and, when possible, visiting the properties listed on the agenda prior to the meeting. Please note, there may be further Addenda on the day of the meeting.

Members of the committee, please be sure to confirm your attendance or regrets by contacting Cultural Services by Monday, Jan. 16, 2012 at 4:00 pm, Susan Giankoulas at (905) 832-2281 ext. 8850.

susan.giankoulas@vaughan.ca

www.vaughan.ca



HERITAGE VAUGHAN
2012 SCHEDULE OF MEETINGS

MEETINGS ARE HELD ON THE THIRD WEDNESDAY OF EACH MONTH

AT 7:00 P.M.*

NEW CITY HALL

2nd Floor - COMMITTEE ROOM (TO BE DETERMINED)

2141 MAJOR MACKENZIE DRIVE, MAPLE

**UNLESS OTHERWISE SPECIFIED*

QUORUM = 9

2012 MEETING DATES	MEMBERS
January 18	John Mifsud, Chair
February 15	Robert Stitt, Vice-Chair
March 21	Robert M. Brown
April 18	Roger Dickinson
May 16	Lucy Di Pietro
June 20	Rosario Fava
July 18 (If Required)	Richard Hahn
August 15 (If Required)	Councillor Marilyn Iafrate
September 19	Tony Marziliano
October 17	Gianni Mignardi
November 21	Nick Pacione
December 12 (2 nd week due to Hanukkah)	Fadia Pahlawan
Note: These meeting dates may be subject to change if this is the consensus of the majority of the members.	Christine Radewych
	Regional Councillor Deb Schulte
	Councillor Alan Shefman
	Rajbir Singh
	Claudio Travierso
	STAFF
	Angela Palermo
	Manager of Cultural Services
	Lauren Archer
	Cultural Heritage Co-ordinator
	Cecilia Nin Hernandez
	Cultural Heritage Co-ordinator
	Gloria Hardychuk
	Assistant City Clerk

HERITAGE VAUGHAN COMMITTEE – JANUARY 18, 2012

ITEMS

1. **PRESENTATION BY TRCA DELEGATION: FINDINGS OF THE HUMBER RIVER BRIDGE INVENTORY**
2. **10056 AND 10068 KEELE STREET PROPOSED NEW CONSTRUCTION FOR A CONDOMINIUM**
3. **8255 KIPLING AVE., WOODBRIDGE/PROPOSED ALTERATION AND ADDITION TO EXISTING HOUSE**
Owner: Colleen Hamers
4. **141 CENTRE STREET**
5. **ONTARIO HERITAGE ACT CONTRAVENTION FINES AND HERITAGE VAUGHAN COMMITTEE MANDATE**



CITY OF VAUGHAN

HERITAGE VAUGHAN COMMITTEE

ADDENDUM

Committee Room 244
2nd Floor
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario 7:00 p.m.

January 18, 2012

ITEMS

1. **ADDENDUM – 140 WOODBRIDGE AVE, MARKET LANE HOLDINGS, SIGN VARIANCE APPLICATION**
2. **ADDENDUM – 685 NASHVILLE ROAD, ALTERATIONS WITHOUT A HERITAGE PERMIT, APPLICATION FOR FRONT ADDITION TO BUILDING WITHIN THE KLEINBURG-NASHVILLE HERITAGE CONSERVATION DISTRICT**
3. **ADDENDUM – HERITAGE VAUGHAN PRESERVATION AWARDS**
4. **ADDENDUM – UPDATE ON 197 WOODBRIDGE AVENUE**

HERITAGE VAUGHAN COMMITTEE - JANUARY 18, 2011

1. PRESENTATION BY TRCA DELEGATION: FINDINGS OF THE HUMBER RIVER BRIDGE INVENTORY

Recommendation

Cultural Services staff provide the following recommendation for Heritage Vaughan's consideration:

That Heritage Vaughan receive the information in this report; and,

That Heritage Vaughan endorse in principle the proposed "next steps" and "opportunities" provided for implementation by the Toronto and Region Conservation Authority as outlined in the Humber River Heritage Bridge Inventory report.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To review the recommendations made within Crossing The Humber: The Humber River Heritage Bridge Inventory as it relates to heritage bridges within the City of Vaughan.

Background - Analysis and Options

1.0 Analysis

- 1.1 Crossing the Humber – The Humber River Bridge Inventory was designed to promote the recognition and protection of heritage bridges in the Humber watershed as infrastructure essential to the preservation of community character and the development of social capital.
- 1.2 The goal of the study is to promote the Humber's Canadian Heritage River designation with its associated heritage and recreational values, to guide the listing or designation of heritage bridges by local municipalities under the Ontario Heritage

Act and to educate and raise public awareness of these unique features through heritage tourism and conservation planning.

- 1.3 The project utilized various mapping techniques, site assessments of public and private properties, and local community-based knowledge were applied to identify culverts, abutments, and functional bridges along the river.
- 1.4 Once heritage bridges were identified, they were evaluated based on criteria set out by Ontario Regulation 9/06: Criteria for determining Cultural Heritage Value or Interest as provided by the Ontario Heritage Act.
- 1.5 In total, 33 heritage bridges and associated vestiges were identified, with 7 of those heritage bridges located within the City of Vaughan.
- 1.6 The subject document proposes the following Opportunities which have emerged as a result of the subject study for implementation by TRCA:

7.0 OPPORTUNITIES

The Humber River Heritage Bridge Inventory (HRHBI) provides opportunities for heritage bridge preservation and conservation planning, including:

1. Creating an interactive GIS map that promotes community education and awareness to heritage bridges and assists in the Environmental Assessment planning review of applications that may impact heritage bridges
2. Creating a website to host the GIS map that promotes the HRHBI and heritage tourism for the Humber watershed, in partnership with NGOs and watershed municipalities
3. Converting heritage bridges from their original use to adapted uses for community benefit, like pedestrian bridges, as in the case of Sneath Bridge
4. Linking heritage bridges to existing pedestrian trails to facilitate outdoor recreation and heritage education
5. Incorporating heritage bridges into official municipal planning documents, such as pedestrian and recreational master plans
6. Implementing themed heritage tourism trails that link heritage bridges to other community features.

The following other trail opportunities exist:

- Linking the bowstring bridges in the City of Vaughan through a heritage tourism trail (Appendix K). (Cultural Services Note: See attached)

- 1.7 The subject document also proposes the following Next Steps as recommendations for TRCA:

8.0 NEXT STEPS

The next steps are as follows:

1. Present the results of the HRHBI to watershed municipalities.
2. Encourage municipalities to continue to further evaluate the bridges of heritage significance identified in their jurisdiction and pursue, where possible, official recognition and protection under Section 27 and/or Section 29, Part IV of the Ontario Heritage Act, or other legislation that may apply (see Appendix J for this section of the Act). It should be noted that the heritage designation application must originate from the municipality in which the bridge is located. Municipal designation would not apply to federal or provincial crown properties nor to active railway bridges regulated under the Canada Transportation Act. Nevertheless, these bridges should be listed as cultural heritage properties of interest on their respective municipal registers and representations to the railways or provincial authorities involved should be undertaken where appropriate to encourage their preservation.
3. Develop an interactive GIS map indicating the 33 bridges of heritage significance along the Humber with corresponding evaluation material and photos available to encourage public education and heritage awareness for the watershed. This map could be linked to other forms of social media through community partners; thereby, providing a forum for heritage conservation. It would also be useful when conducting Environmental Assessment reviews of infrastructure scheduled for rehabilitation or demolition.
4. Locate interpretive signage at each bridge of heritage significance to increase heritage awareness for tourists, trail users and the general public.
5. Distribute the HRHBI to individuals or groups interested in heritage protection within the watershed for capacity building and potential partnership development.
6. Create a self guided walking program, with supporting interpretive information related to each bridge of heritage significance, where situated on public lands.

Cultural Services has no concerns regarding the TRCA implementing their proposed next steps and recommendations. As such, Cultural Services recommends that the recommendations proposed by the TRCA.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- **STRATEGIC GOAL:**
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

Cultural Services has no concerns regarding the TRCA implementing their proposed next steps and recommendations.

Attachments



CROSSING THE HUMBER: THE HUMBER RIVER HERITAGE BRIDGE INVENTORY

DATE: Wednesday, November 16th, 2011

TIME: 7 PM

LOCATION: City of Vaughan

HERITAGE VAUGHAN

R E P O R T

KEY ISSUE

To support and adopt *Crossing The Humber: The Humber River Heritage Bridge Inventory* and to work together in partnership with the Heritage Subcommittee of the Humber Watershed Alliance and TRCA staff towards the implementation of the following recommendations.

RECOMMENDATIONS

THAT Heritage Vaughan recognizes the significance of *Crossing The Humber: The Humber River Heritage Bridge Inventory* to the Humber River Watershed's Canadian Heritage River System designation;

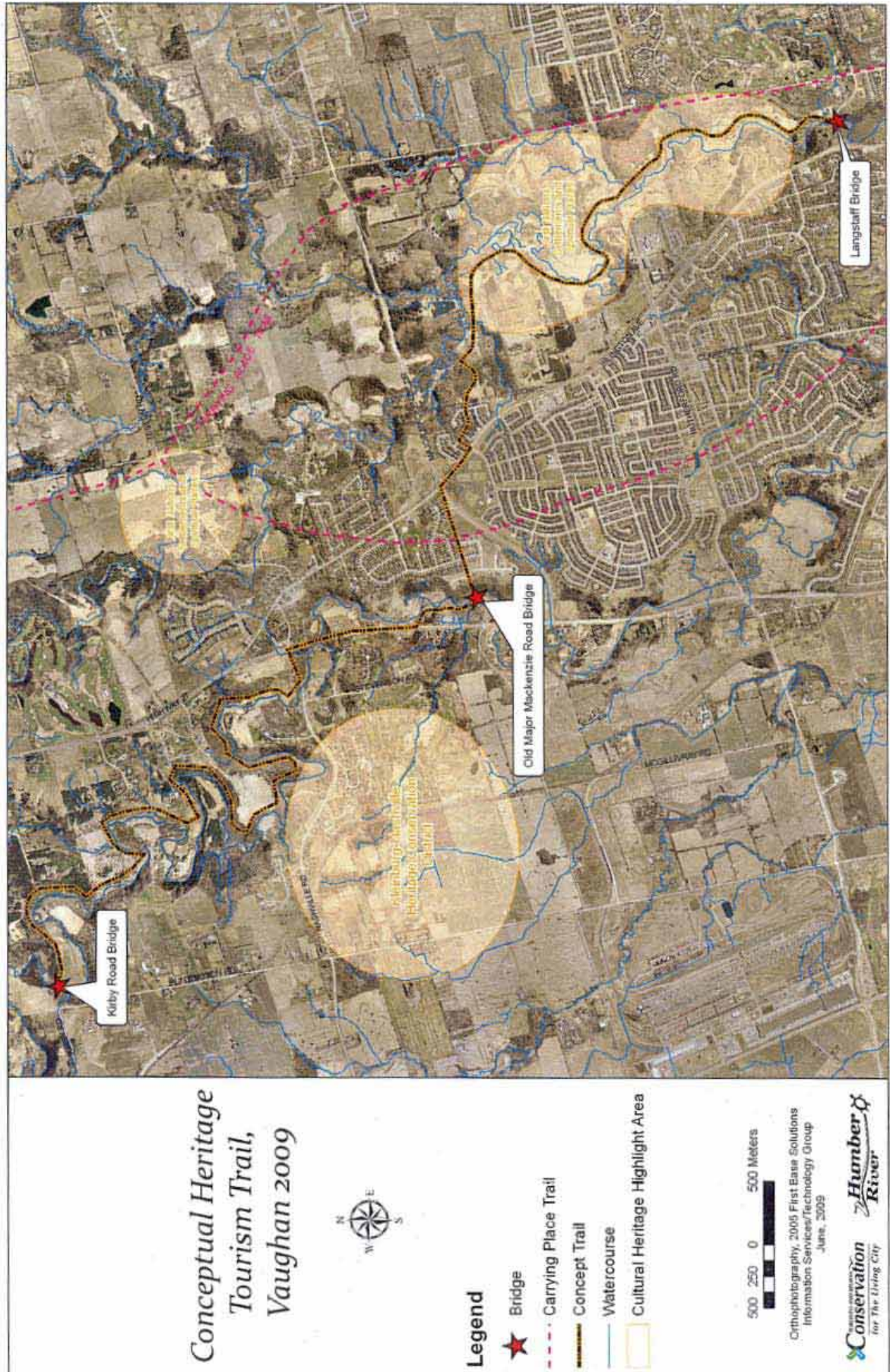
THAT Heritage Vaughan adopt *Crossing The Humber: The Humber River Heritage Bridge Inventory*;

AND FURTHER THAT Heritage Vaughan work towards the implementation of the recommendations contained within *Crossing The Humber: The Humber River Heritage Bridge Inventory* as it relates to heritage bridges within the City of Vaughan.

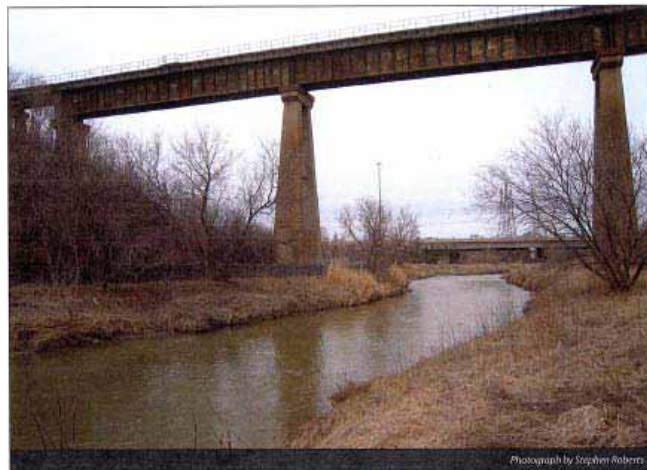
For further information, please contact:

Susan Robertson
Humber River Watershed Project Manager
Toronto and Region Conservation
Telephone: 416.661.6600 extension 5325
Email: srobertson@trca.on.ca

APPENDIX K: Conceptual Heritage Tourism Trail in the City of Vaughan



Canadian National Railway Bridge



Photograph by Stephen Roberts

General Information	Physical Components
Bridge No. VA1	Type – Steel plate girders, reinforced concrete piers
Jurisdiction – City of Vaughan	Span – Multiple
Year Built – 1962	Dimensions – N/A

Evaluation Form		Check
Design/Physical Value		
I.	It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II.	Displays a high degree of craftsmanship or artistic merit	
III.	Demonstrates a high degree of technical or scientific achievement	✓
Historic/Associative Value		
I.	Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	✓
II.	Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III.	Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	
Contextual Value		
I.	Is important in defining or supporting the character of the area	✓
II.	Is physically or historically linked to its surroundings	✓
III.	Is a landmark	

General Description

Located within the City of Vaughan, the bridge was completed in 1962 and features rare reinforced concrete A-frame piers. The formation of the earthen embankments of both sides of the bridge suggests that there may have originally been a wooden trestle bridge, now covered, as was the practice of the railway companies in the early 1900s.

Canadian Pacific Railway Bridge



Photograph by Stephen Roberts

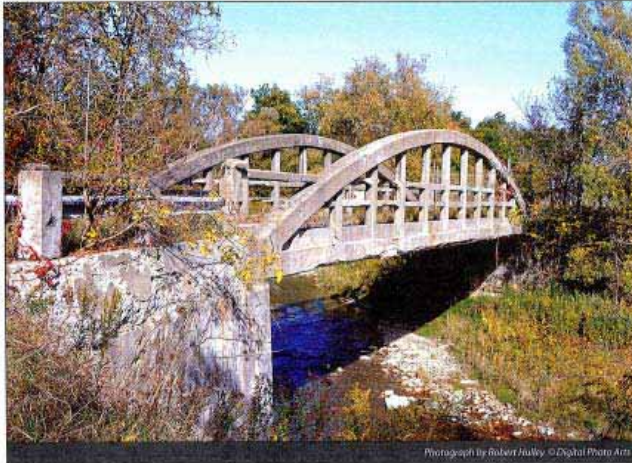
General Information	Physical Components
Bridge No. VA2	Type – Steel plate girders, stone masonry piers
Jurisdiction – City of Vaughan	Span – Multiple
Year Built – circa 1910	Dimensions – N/A

Evaluation Form		Check
Design/Physical Value		
I.	It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II.	Displays a high degree of craftsmanship or artistic merit	
III.	Demonstrates a high degree of technical or scientific achievement	
Historic/Associative Value		
I.	Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	✓
II.	Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III.	Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	
Contextual Value		
I.	Is important in defining or supporting the character of the area	✓
II.	Is physically or historically linked to its surroundings	✓
III.	Is a landmark	

General Description

The bridge was completed circa 1910 by the former Toronto, Grey and Bruce Railway. The cut stone masonry piers suggest an early structure, which merits further investigation.

Boyd Park Langstaff Bridge



Photograph by Robert Hulley, © Digital Photo Arts

General Information	Physical Components
Bridge No. VA3	Type – Reinforced concrete bowstring arch
Jurisdiction – City of Vaughan	Span – Single
Year Built – circa 1923	Dimensions – N/A

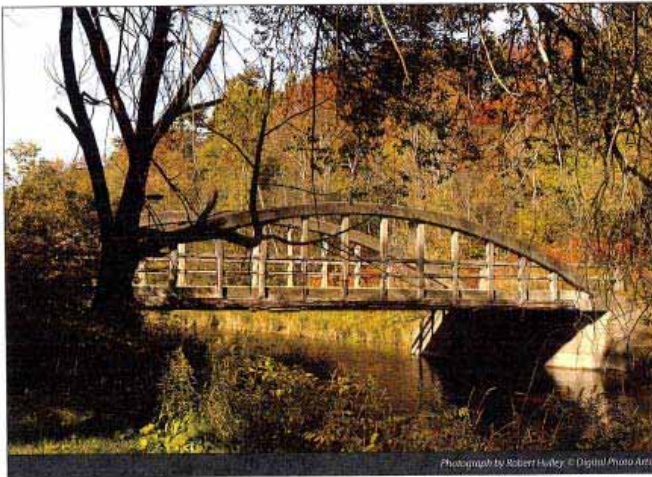
Evaluation Form		Check
Design/Physical Value		
I.	It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II.	Displays a high degree of craftsmanship or artistic merit	✓
III.	Demonstrates a high degree of technical or scientific achievement	✓
Historic/Associative Value		
I.	Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	✓
II.	Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III.	Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	✓
Contextual Value		
I.	Is important in defining or supporting the character of the area	✓
II.	Is physically or historically linked to its surroundings	✓
III.	Is a landmark	✓

General Description

Built circa 1923, to the designs and specifications of the notable Frank Barber, consulting engineer and Vaughan Township Engineer, this is one of three concrete bowstring bridges, located along the East Humber River in the City of Vaughan. It forms part of the Humber Valley Heritage Trail and is located on what was originally Langstaff Road, which has been realigned further south.

The bridge is in use solely as a pedestrian bridge and is within the Boyd Park Conservation Area. This bridge is listed by the City of Vaughan in its heritage inventory as a property of interest, with the intent that it will be listed on its municipal register of heritage properties.

Old Major Mackenzie Drive Bridge



Photograph by Robert Hulley, © Digital Photo Arts

General Information	Physical Components
Bridge No. VA4	Type – Reinforced concrete bowstring arch
Jurisdiction – City of Vaughan	Span – Single
Year Built – circa 1914	Dimensions – N/A

Evaluation Form		Check
Design/Physical Value		
I.	It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II.	Displays a high degree of craftsmanship or artistic merit	
III.	Demonstrates a high degree of technical or scientific achievement	✓
Historic/Associative Value		
I.	Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	✓
II.	Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III.	Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	✓
Contextual Value		
I.	Is important in defining or supporting the character of the area	✓
II.	Is physically or historically linked to its surroundings	✓
III.	Is a landmark	

General Description

Built circa 1914 to the designs and specifications of the notable Frank Barber, consulting engineer and Vaughan Township Engineer, this is one of three concrete bowstring bridges, located along the Humber River in the City of Vaughan. It marks where Old Major Mackenzie Drive crossed the Humber, before being realigned to its present location.

It is listed by the City of Vaughan in its heritage inventory as a property of interest, with the intent that it will be listed in its municipal register of heritage properties.

McEwen Bridge



Photograph by Stephen Roberts

General Information	Physical Components
Bridge No. VA5	Type – Reinforced concrete bowstring arch
Jurisdiction – City of Vaughan	Span – Single
Year Built – 1923	Dimensions – N/A

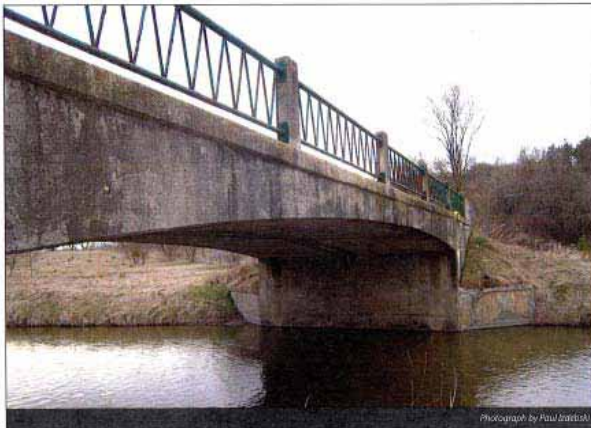
Evaluation Form	Check
Design/Physical Value	
I. It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II. Displays a high degree of craftsmanship or artistic merit	
III. Demonstrates a high degree of technical or scientific achievement	✓
Historic/Associative Value	
I. Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	✓
II. Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III. Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	✓
Contextual Value	
I. Is important in defining or supporting the character of the area	✓
II. Is physically or historically linked to its surroundings	✓
III. Is a landmark	

General Description

The McEwen Bridge is named after Lorne McEwen (also spelled McKewen), who acquired this land (Lot 31 Concession 9) from James Cherry in 1916. Lorne McEwen was born in Ontario on January 9, 1888 to John K. (a butcher) and Mary McEwen, one time of the village of Bolton, both of Scottish descent.

The McEwen Bridge (also sometimes referred to as the Burlington Bridge or Bell Bridge) was built in 1923 to the designs and specifications of the notable Frank Barber, consulting engineer and Vaughan Township Engineer. This is one of the three concrete bowstring bridges, located along the Humber River in the City of Vaughan. It is listed by the City of Vaughan in its heritage inventory of property of interest, with the intent to be listed on its municipal register of heritage properties and also forms part of the Humber Valley Heritage Trail.

Huntington Road Bridge



Photograph by Paul Satchell

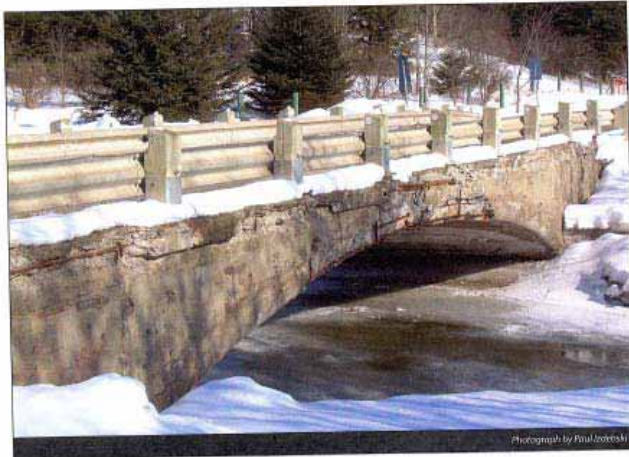
General Information	Physical Components
Bridge No. VA6	Type – Reinforced concrete rigid frame, steel railing
Jurisdiction – City of Vaughan	Span – Single
Year Built – circa 1950s	Dimensions – N/A

Evaluation Form	Check
Design/Physical Value	
I. It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	
II. Displays a high degree of craftsmanship or artistic merit	✓
III. Demonstrates a high degree of technical or scientific achievement	
Historic/Associative Value	
I. Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	
II. Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III. Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	
Contextual Value	
I. Is important in defining or supporting the character of the area	
II. Is physically or historically linked to its surroundings	✓
III. Is a landmark	

General Description

This bridge, built post-1954, is constructed as a rigid frame re-enforced concrete bridge which supports unique steel railings of heritage interest.

King-Vaughan Road Bridge



General Information	Physical Components
Bridge No. VA7	Type – Reinforced concrete arch
Jurisdiction – City of Vaughan	Span – Single
Year Built – N/A	Dimensions – N/A

Evaluation Form		Check
Design/Physical Value		
I.	It is rare, unique, or representative of an early example of a style, type, expression, material or construction method	✓
II.	Displays a high degree of craftsmanship or artistic merit	
III.	Demonstrates a high degree of technical or scientific achievement	
Historic/Associative Value		
I.	Has direct association with a theme, event, belief, person, activity, organization, or institution that is significant to the community	
II.	Yields, or has the potential to yield, information that contributes to an understanding of the community or culture	✓
III.	Demonstrates or reflects the work or ideas of an engineer, builder, or designer who is significant to the nation or community	
Contextual Value		
I.	Is important in defining or supporting the character of the area	✓
II.	Is physically or historically linked to its surroundings	✓
III.	Is a landmark	

General Description

This bridge, located south of the King-Vaughan Road, has been identified by the committee to be of heritage interest due to the length of the arch from or originating at the water level, which is not reflective of this type and period of bridge construction and consequently rare.

Report prepared by:

Lauren Archer
Cultural Heritage Coordinator
Recreation and Culture Department

Angela Palermo
Manager of Cultural Services
Recreation and Culture Department

HERITAGE VAUGHAN COMMITTEE - JANUARY 18, 2012

2. 10056 AND 10068 KEELE STREET PROPOSED NEW CONSTRUCTION FOR A CONDOMINIUM

Recommendation

Cultural Services staff provide the following recommendation for Heritage Vaughan's review:

1. That Heritage Vaughan consider the proposed development for new construction for condominium as reflected in the drawings included in the agenda, together with the analysis portion of the agenda, and;
 - a) That the owner provide the following information and make the indicated revisions:
 - i. A minimal setback was provided in order to distinguish four major sections in massing. The applicant is required to confirm the length of each section and the dimension of the setbacks provided. It is recommended that the setback be increased to reflect the intention of "an area of pedestrian refuge" as described in the Maple Heritage Conservation District guidelines, which is closer to at minimum of 1 to 3 metres (refer to 9.5.3.5 Site Plan, MHCDG).
 - ii. Applicant is required to provide calculation on proposed commercial glazing area.
 - iii. 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines which was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.
 - iv. Revision Required: Signage locations provided are acceptable with the exception of the following points:
 - a. Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
 - b. Decals are not preferred.
 - c. Any signage lighting must be exterior.
 - v. For Block B, the siding should be eliminated and the facades should be all brick.
 - vi. Revision required: The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.
 - vii. Exterior material samples will be required to be submitted for review and approval.
 - viii. All exterior lighting must be indicated, including wall lighting.

- ix. All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.
 - x. No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
2. The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To receive the information included in the Analysis portion of this report.

Background and Analysis

1.0 Background

This is the second circulation by the Development Department of this application. The first circulation was in September 2011 and staff provided comments to the applicant at which time issues enumerated in the analysis section of this report were identified. ‘

The current proposal received December 22, 2011, is analyzed in the analysis portion of this report. The points discussed, follow up on the issues identified in the first comments provided to the applicant and indicate their current status as reflected on the current drawings submitted.

2.0 Analysis

Summary of Outstanding Issues

Please also refer to the recommendation section of this report:

- A minimal setback was provided in order to distinguish four major sections in massing. The applicant is required to confirm the length of each section and the dimension of the setbacks provided. It is recommended that the setback be increased to reflect the intention of “an area of pedestrian refuge” as described in the Maple Heritage Conservation District guidelines, which is closer to at minimum of 1 to 3 metres (refer to 9.5.3.5 Site Plan, MHCDG).

- Applicant is required to provide calculation on proposed commercial glazing area.
- 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.
- Revision Required: Signage locations provided are acceptable with the exception of the following points:
 - Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
 - Decals are not preferred.
 - Any signage lighting must be exterior.
- For Block B, the siding should be eliminated and the facades should be all brick.
- Revision required: The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.
- Exterior material samples will be required to be submitted for review and approval.
- All exterior lighting must be indicated, including wall lighting.
- All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.
- No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
- The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

Full Analysis of Current Proposal

The lands are located within an area of the heritage conservation district identified as part of the Commercial core areas shown in section 9.5.3.1 of the Heritage Conservation District Guidelines.

The following is a list of the issues identified in the current review, as they relate to the comments previously provided in Cultural Services' memorandum of September 23, 2011 (Please refer to attachment):

1. Follow guidelines in sections 9.5.3.5 and 9.5.3.7. Revise Keele Street massing to introduce a setback for every third or fourth bay, to create "a set back zone of enhanced pedestrian comfort." Frontages are to be broken into elements of no more than 20 metres in width.

Pending Requirement: Partially addressed. A minimal setback was provided in order to distinguish four major sections in massing. The applicant is required to confirm the length of each section and the dimension of the setbacks provided. It is recommended that the setback be

increased to reflect the intention of “an area of pedestrian refuge” as described in the Maple Heritage Conservation District guidelines, which is closer to at minimum of 1 to 3 metres (refer to 9.5.3.5 Site Plan, MHCDG).

2. **Pending Requirement:** Applicant to provide calculation on proposed commercial glazing area.
3. The ground floor height is required to be a minimum of 4.5 metres, and the window and door articulation on the commercial ground floor is to respond to this feature.

Pending Requirement: 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.

4. The applicant is to confirm design for signage. All signs will require the approval of a heritage permit to confirm adherence to the guidelines on signage as well as the Sign-by law.

Pending Requirement: Revision Required: Signage locations provided are acceptable with the exception of the following points:

- Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
- Decals are not preferred.
- Any signage lighting must be exterior.

5. **Still Applicable:** No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
6. **Pending Requirement: Addressed only in Block A elevations. Pending for Block B.** For Block B, the siding should be eliminated and the facades should be all brick.

7. **Addressed.**

8. **Pending Requirement** Exterior material samples will be required to be submitted for review and approval.

9. **Addressed.**

10. **Addressed.**

11. **Addressed.**

12. **Addressed.** The applicant has communicated that the location of the planting beds necessitates a small curb due heavy traffic and salt impact in the winter. It is within the guidelines to allow this as an exemption. However, it seems that the planters have been omitted in the latest drawings.

New Comments

13. **Revision required:** The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.
14. Block A is noted at 11.55 metres in height. This is within the permitted height limit of 11.8 metres for Block B has been increased in height from the last submission to be 11.768 metres at their front facade, facing the back and the houses on Killian Road, which is within the height limit for

the commercial core as set in the Heritage Conservation District Guidelines (limit is 11.8 metres). Due to the proposed grading, the buildings on Block B and C will be approximately 1.7 metres taller than the Block A building. This height difference will be most perceived from the North facades facing Killian Road. Nevertheless, zoning is to advise as to whether the height for all the proposed buildings comply with the zoning by-law.

15. **Revision/Information Required:** All exterior lighting must be indicated, including wall lighting.
16. **Information Required:** All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.
17. Cultural Services has been made aware that other departments have significant site planning issues with the proposal. The memorandum from the Development Planning Department indicated that the purpose of the circulation is in order to obtain the review by the Heritage Vaughan Committee. The memorandum notes that there are technical issues pending to be addressed with other departments. The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

Background

Cultural Services previously provided comments to a previous submission on a memorandum dated September 23, 2011. **Please refer to attachment.** (Extract of September 23, 2011 memorandum (p. 1, 2 and 15)).

Heritage Status of Property

- Designated Part V under the Ontario Heritage Act as it is located within the Maple Heritage Conservation District and therefore governed by the Maple Heritage Conservation District Plan and design guidelines.
- All new construction, additions, demolitions and changes to the exterior of buildings within the subject properties will require approval of a Heritage Permit application in addition to other City permits such as Building Permits or Planning Application approvals as required under the District Plan.
- Proposed changes to properties designated within heritage conservation districts must be in keeping with the heritage character of the building, the historical streetscape and must be in conformance with the Woodbridge heritage district plan and design guidelines.

Approval Process

This Site Plan application will require the approval of a Heritage Permit with Heritage Vaughan Committee review and approval.

The applicant is encouraged to contact Cultural Services staff in order to obtain any guidance necessary in order to address the issues listed in this report. Once the pending issues are addressed, the application may be forwarded to the Heritage Vaughan Committee for consideration.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

STRATEGIC GOAL:

Service Excellence - Providing service excellence to citizens.

STRATEGIC OBJECTIVES:

Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

Please refer to recommendation section of this report

Report prepared by:

Cecilia Nin Hernandez
Cultural Heritage Coordinator
Recreation and Culture Department

Angela Palermo
Manager of Cultural Services
Recreation and Culture Department

Attachments



10056 and 10068 Keele Street



September 23, 2011

TO: Stephen Lue
Development Planning Department

Via: E-mail

FROM: Cecilia Nin Hernandez
Cultural Heritage Coordinator
Cultural Services, Recreation and Culture Department

Applicant: Oskar Group

**Location: 10056 and 10068 Keele Street
Maple, City of Vaughan**

Files: Z.11.022, DA.11.070 Related file: Z.06.059

RE: Response to Request for Comments

Cultural Services has received the request for comments regarding the above noted zoning and development applications and offers the following comments:

Heritage Status of Property

- Designated Part V under the Ontario Heritage Act as it is located within the Maple Heritage Conservation District and therefore governed by the Maple Heritage Conservation District Plan and design guidelines.
- All new construction, additions, demolitions and changes to the exterior of buildings within the subject properties will require approval of a Heritage Permit application in addition to other City permits such as Building Permits or Planning Application approvals as required under the District Plan.
- Proposed changes to properties designated within heritage conservation districts must be in keeping with the heritage character of the building, the historical streetscape and must be in conformance with the Woodbridge heritage district plan and design guidelines.

Review of Proposal

The lands are located within an area of the heritage conservation district identified as part of the Commercial core areas shown in section 9.5.3.1 of the Heritage Conservation District Guidelines.

The following is a **summary** of the issues identified resulting from the analysis in the below table:

MEMORANDUM

1. Follow guidelines in sections 9.5.3.5 and 9.5.3.7. Revise Keele Street massing to introduce a setback for every third or fourth bay, to create "a set back zone of enhanced pedestrian comfort." Frontages are to be broken into elements of no more than 20 metres in width.
2. Applicant to provide calculation on proposed commercial glazing area.
3. The ground floor height is required to be a minimum of 4.5 metres, and the window and door articulation on the commercial ground floor is to respond to this feature.
4. The applicant is to confirm design for signage. All signs will require the approval of a heritage permit to confirm adherence to the guidelines on signage as well as the Sign-by law.
5. No blind windows will be permitted on any elevation, including the Killian Street facades.
6. Revise elevation to exclude board and batten cladding and follow a traditional pattern of cladding materials as reflected in the attached sketch in this report.
7. Revise proportions of quarter circle attic vents to follow historic precedent.
8. Exterior material samples will be required to be submitted for review and approval.
9. Revise window styles to follow an appropriate design as noted in section 9.2 of the HCDG.
10. Revise storefront style of fenestration to be in accordance with section 9.5.3 of the HCDG.
11. The applicant is to revise sign locations. The proposed location (sign part of the balcony railing) is not appropriate within the district. All signs will require the approval of a heritage permit to confirm adherence to the guidelines on signage as well as the Sign-by law.
12. It is required that planting beds be used instead of planters wherever possible.

Analysis

Below is a table noting the relevant guidelines for new construction in this area on the left column and Cultural Services staff comment on the right relating to the corresponding points on the left column:

MHCD PLAN – Applicable Sections	COMMENTS
9.5.3 Commercial Core	
	<ul style="list-style-type: none"> ▪ <u>Analysis of Proposal:</u> ▪ The property is located within the area identified as Commercial Core and therefore the proposal is subject to related guidelines within the HCDG.



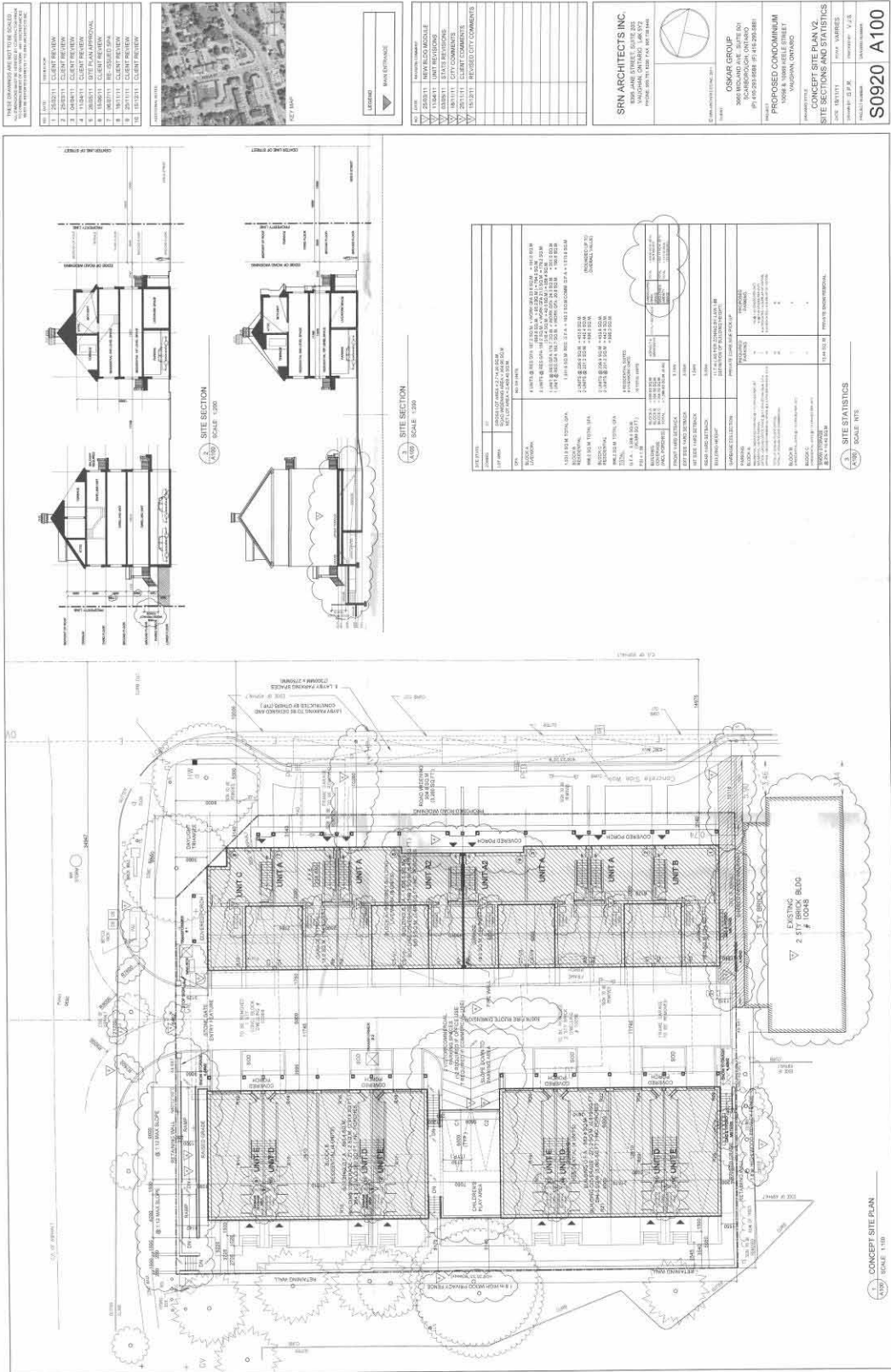
Legend:

A,B,C: Show different "zones" to be each of a different cladding color/material:

A =heritage red brick.

B=heritage yellow brick or light coloured horizontal wood clapboard.

C=heritage orange brick or horizontal clapboard of heritage colour palette.



Proposed Site Plan by SRN Architects Inc. Dec 22/2011 Circulation from Development Planning

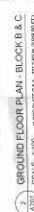
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1	25/03/11	CLIENT REVIEW
2	25/03/11	CLIENT REVIEW
3	04/04/11	CLIENT REVIEW
4	11/04/11	CLIENT REVIEW
5	26/03/11	SITE PLAN APPROVAL
6	16/06/11	CLIENT REVIEW
7	06/07/11	RE-ISSUED SPA
8	19/10/11	CLIENT REVIEW
9	20/11/11	CLIENT REVIEW
10	15/12/11	CLIENT REVIEW

REV	DATE	REVISION COMMENTS
✓	25/03/11	NEW BLDG MODULE
✓	11/04/11	UNIT REVISIONS
✓	03/05/11	STATS REVISIONS
✓	16/11/11	CITY COMMENTS
✓	25/11/11	CLIENT COMMENTS
✓	15/12/11	REVISED CITY COMMENTS

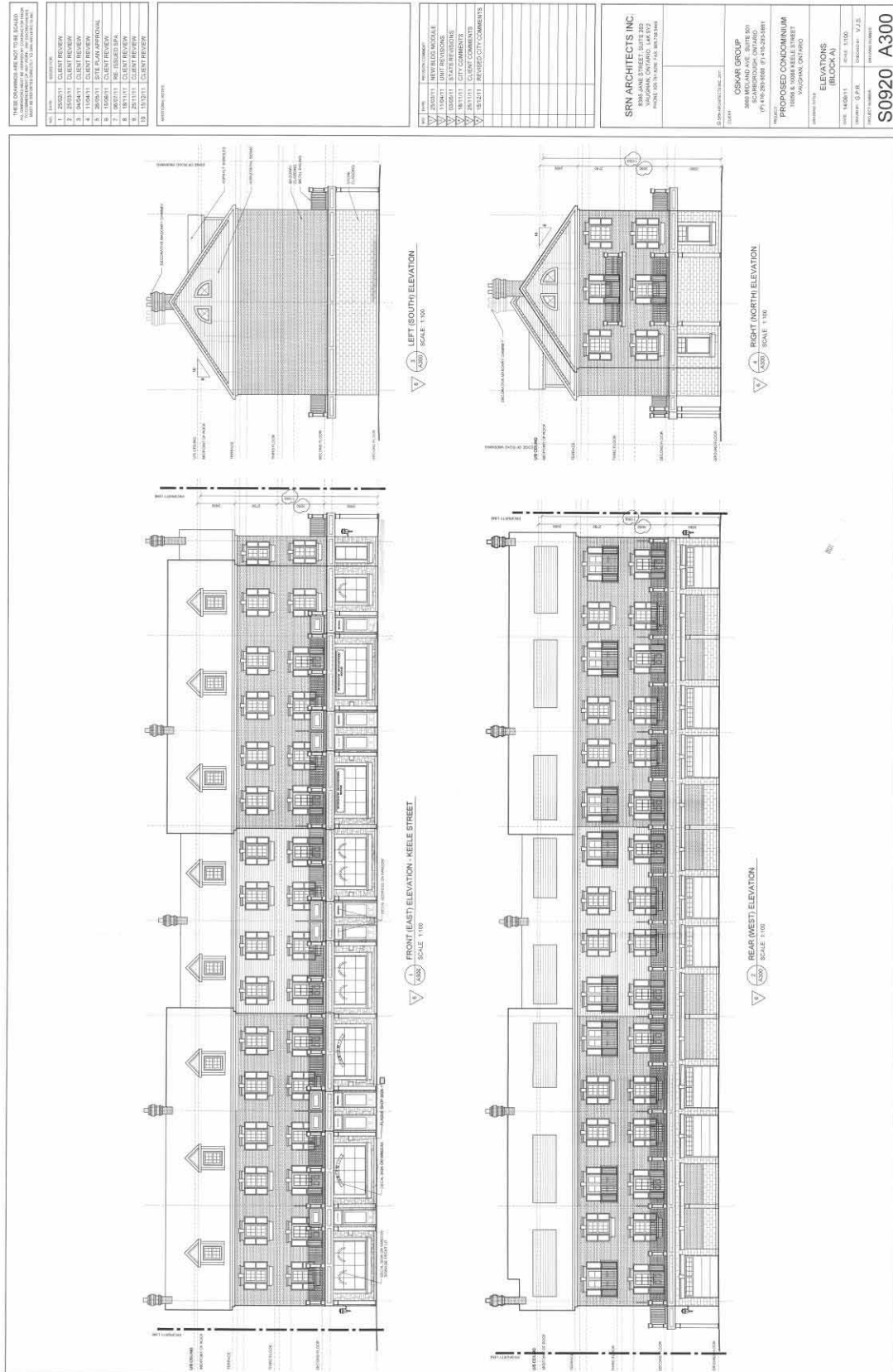
PROPOSED CONDOMINIUM
10056 & 10968 KEELE STREET
VAUGHAN, ONTARIO

DATE 12/06/11	TIME 1/1500
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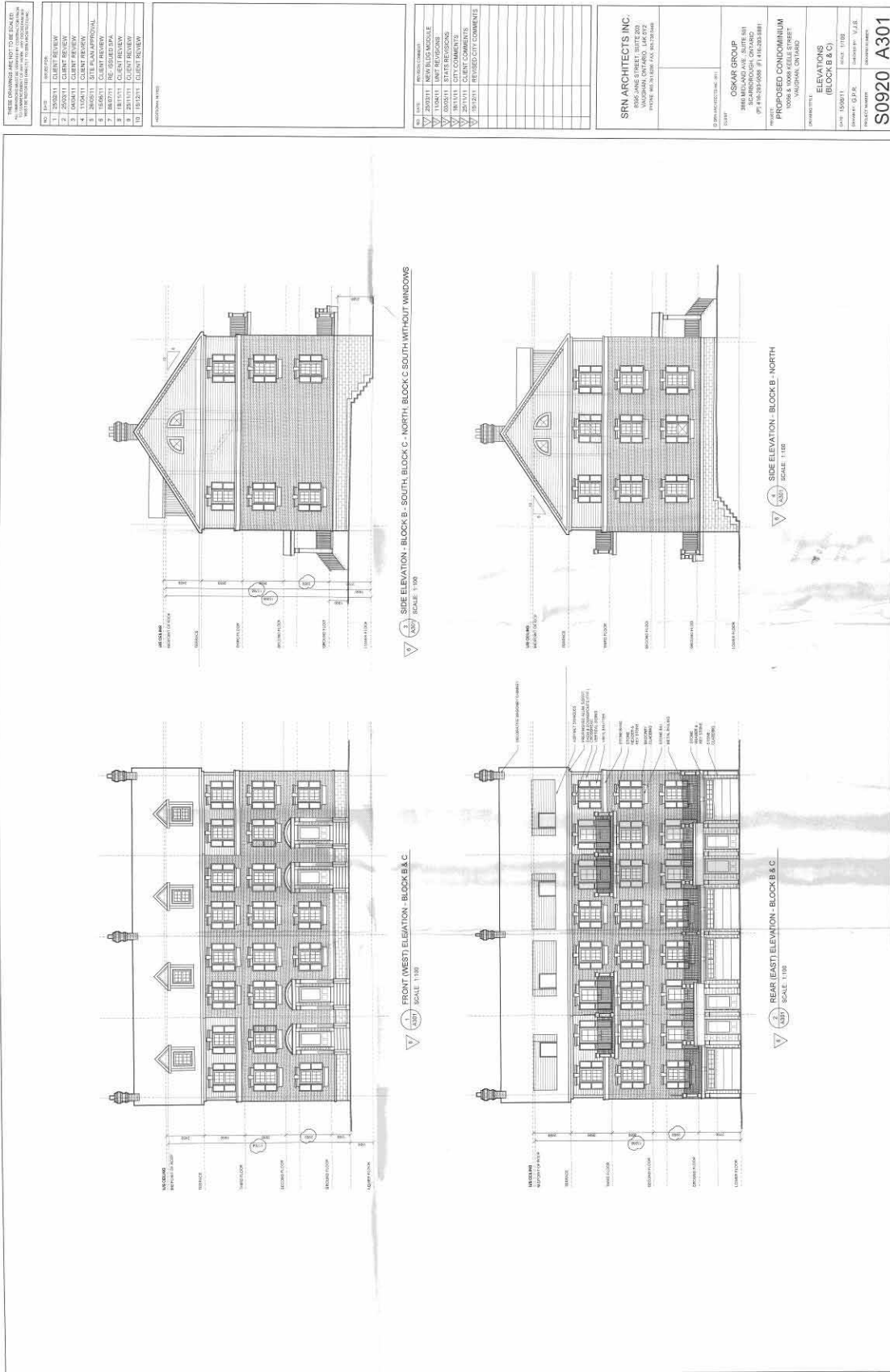
S0920	A201
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Proposed Unit Plans by SRN Architects Inc. Dec 22/2011 Circulation from Development Planning



Proposed Elevations Block A by SRN Architects Inc. Dec 22/2011 Circulation from Development Planning



Proposed Elevations Block B and C by SRN Architects Inc. Dec 22/2011 Circulation from Development Planning

HERITAGE VAUGHAN COMMITTEE - JANUARY 18, 2011

3. 8255 KIPLING AVE, WOODBRIDGE/ PROPOSED ALTERATION AND ADDITION TO EXISTING HOUSE

Owner: Colleen Hamers

Recommendation

Cultural Services staff provide the following recommendation for Heritage Vaughan review:

1. That the following proposed alterations to the existing house at 8255 Kipling Avenue be approved.;
2. That final drawings, including the site plan, elevation, landscape plan, signage specifications, lighting specifications and building material samples be submitted to Cultural Services for review and final approval.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To review the subject proposed alteration and addition to the existing house at 8255 Kipling Avenue, as approved.

Background - Analysis and Options

1.0 Background

The property at 8255 Kipling Avenue in the City of Vaughan is designated under Part V of the Ontario Heritage Act as part of the Woodbridge Heritage Conservation District.

The house has been noted as a “contributing” structure to the Woodbridge Heritage Character Area of Central Kipling Avenue, as identified in the District Plan.

Staff visited the site on November 30th, 2011 to review the proposed plans with the applicant.

The subject structure is a one-and-a-half storey Victorian gothic house, with an existing gambrel roof circa 1980s rear addition.

2.0 Analysis

The applicant proposed a one-and-a-half rear addition to the subject building to accommodate additional space, a new kitchen and expanded upstairs bedroom.

The exiting rear window on the original historic structure will be widened to create a link between the old and new as such the removal of historic materials will be minimal.

The existing historic roof and all structural members will remain intact. The proposed roof will be installed over the existing.

The proposed addition does not exceed the existing building height, and will not directly impact the Kipling Avenue Heritage streetscape.

The existing cladding is circa 1980s stucco. The applicant proposes to change the cladding to more historically appropriate horizontal wood clapboard siding. This will ensure that the proposed addition cladding will match with the existing structure cladding. Cladding will be installed over existing stucco, so the record of former cladding remains intact.

Existing windows are relatively recent vinyl windows; however, the applicant is not proposing new windows at this time.

The proposed addition is in keeping with the heritage architectural style of the existing structure and does not negatively impact the heritage character of the building or Kipling Ave. streetscape. As such, Cultural Services recommends approval of the subject rear addition.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

The proposed addition is in keeping with the heritage architectural style of the existing structure and does not negatively impact the heritage character of the building or Kipling Ave. streetscape. As such, Cultural Services recommends approval of the subject rear addition.

Attachments



Fig. 1 Front elevation, existing conditions, 8255 Kipling Ave.



Fig. 2 Rear elevation ,existing conditions, 8255 Kipling Ave.



Fig. 3 Front Elevation, proposed conditions, no alterations to front elevation. 8255 Kipling Ave.

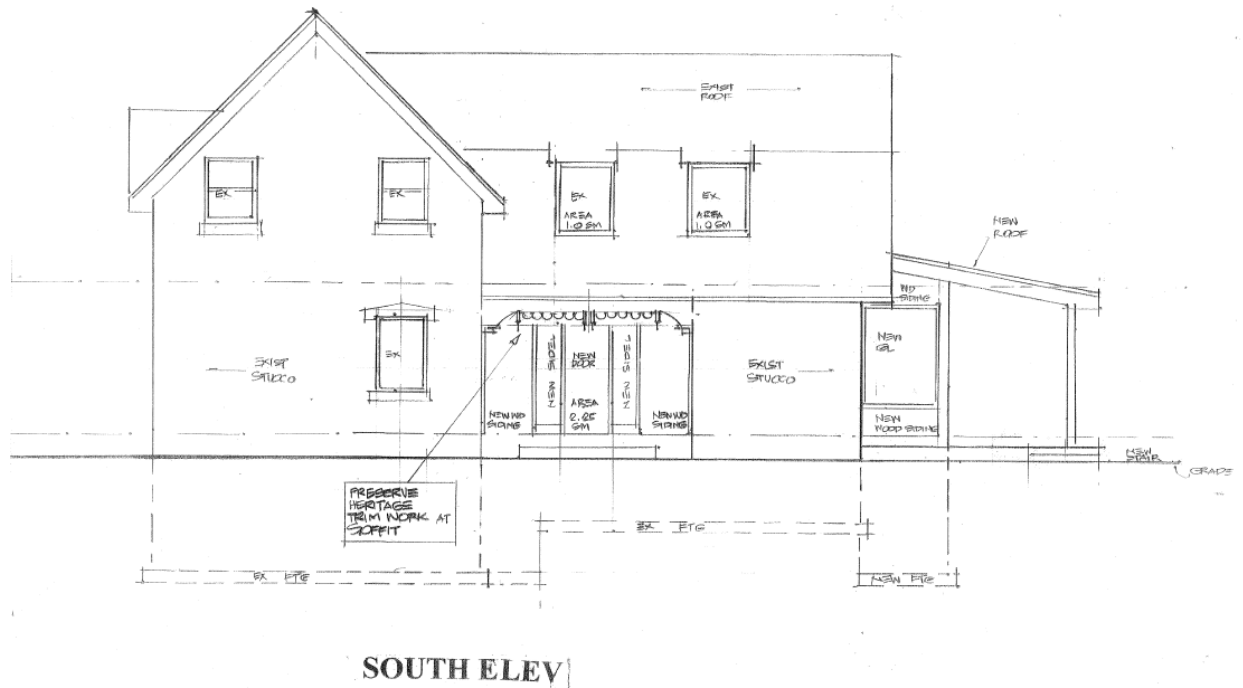
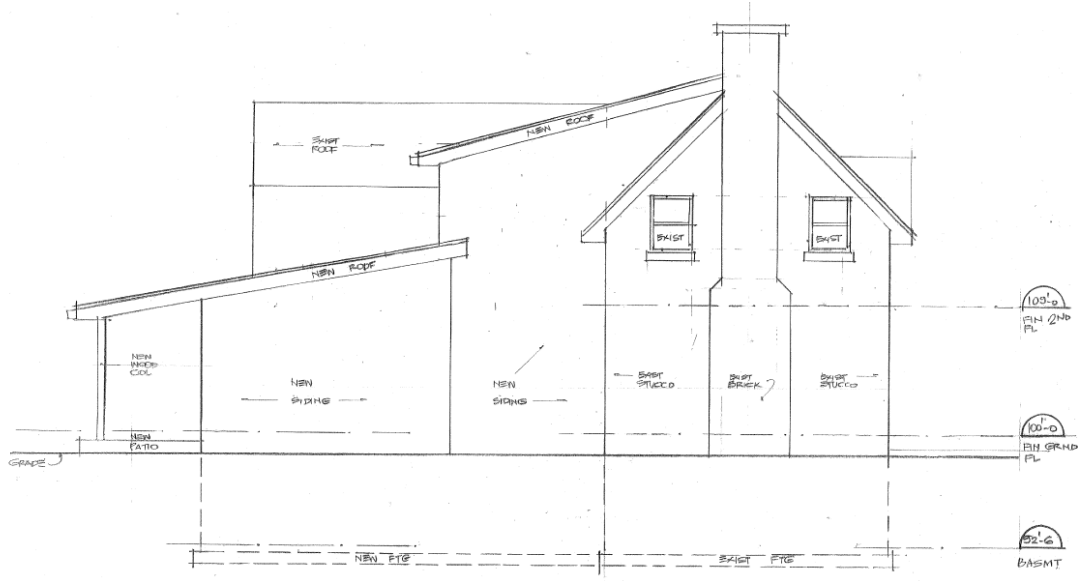


Fig. 4 Side South elevation, proposed rear addition, 8255 Kipling Ave.



NORTH ELEV

Fig. 5 Side North elevation, proposed rear addition, 8255 Kipling Ave.

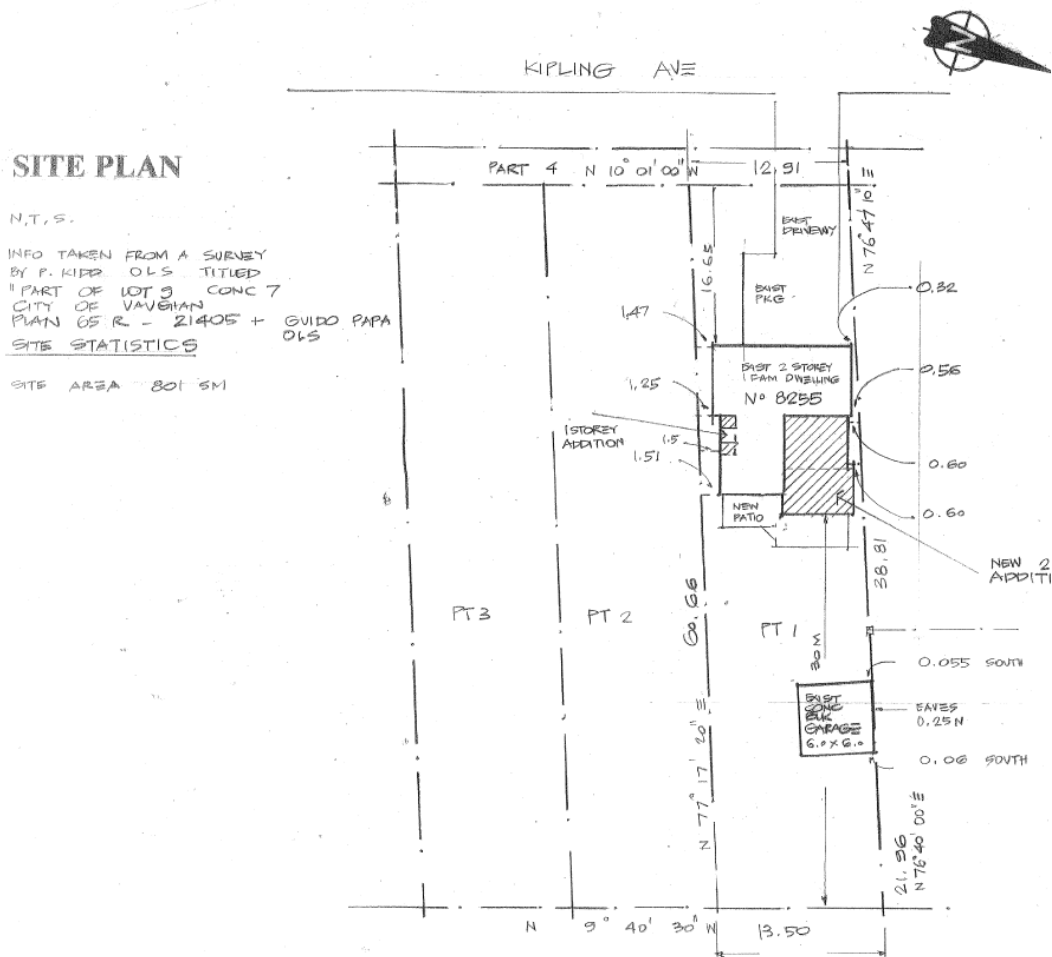


Fig. 6 Proposed Site Plan with rear addition indicated, 8255 Kipling Ave.



HERITAGE VAUGHAN COMMITTEE - JANUARY 18, 2012

4. 141 CENTRE STREET

Recommendation

That the information provided in this report be received.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To receive the information on this property.

Background and Analysis

1.0 Background

141 Centre Street is a Registered property under the Ontario Heritage Act. It is known as the Owen McCartney House. It is of the Georgian Style, circa 1840. It features a three bay front elevation arrangement with central front doorway, 12 over 12 double hung windows and stucco as exterior cladding. The property is listed on the City's register of buildings under the Ontario Heritage Act, however, it is not included in the Thornhill Heritage Conservation District and therefore not designated under the Ontario Heritage Act.

Councillor Shefman has requested that the item be included in the agenda for discussion.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

Please refer to recommendation section of this report.

Attachments



141 Centre Street



Fig. 1 Photo courtesy of the City of Vaughan Archives.

Report prepared by:

Cecilia Nin Hernandez
Cultural Heritage Coordinator
Recreation and Culture Department

Angela Palermo
Manager of Cultural Services
Recreation and Culture Department

HERITAGE VAUGHAN COMMITTEE - JANUARY 18, 2012

5. ONTARIO HERITAGE ACT CONTRAVENTION FINES & HERITAGE VAUGHAN COMMITTEE MANDATE

Recommendation

Cultural Services staff provide the following recommendation for Heritage Vaughan's review:

1. That, Heritage Vaughan receive the information in this report;
2. That Heritage Vaughan received the information provided by the Legal Services Department;
3. That, Cultural Services staff work with the Legal Services Department's to initiate the steps in order to ultimately:
 - i. prepare a by-law that would enable staff to issue Certificates of Offences (tickets) under the authority of the appropriate Provincial legislations;
 - ii. work with legal services in identifying the different offences and the fine associated with each, under the Certificates of Offences.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

N/A

Communications Plan

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

Purpose

To receive the information included in the Analysis portion of this report.

Background and Analysis

1.0 Background

At their meeting of October 17, 2011, the Heritage Vaughan Committee asked staff to investigate options under the Ontario Heritage Act or other pertinent legislation that the City may pursue in cases when it is determined that the approved Heritage Permit has not been abided by.

Item 9 of the November 2011 Heritage Vaughan agenda provided the information directly below. This item, however, was deferred at the November meeting to a future Heritage Vaughan meeting. Since then, cultural Services staff has been able to collect additional information which is described in the analysis portion of this report.

The Role of Municipal Heritage Committees:

The *Ontario Heritage Act* defines the statutory role of municipal heritage committees, but also states that other responsibilities may be assigned to these committees through by-laws passed by the municipal council. The establishment of a municipal heritage committee enables a municipality to encourage community participation in local heritage conservation. In practice, a heritage committee often has a dual responsibility:

- To the municipality - to advise council on heritage issues (under the *Ontario Heritage Act*); and, to carry out assigned duties according to the municipal by-law or resolution and procedures established by the municipality; and
- To the citizens of the municipality - to help ensure that plans for change and progress be developed in a manner which recognizes the historical continuity of their community.

On May 2, 1977, Council established Heritage Vaughan with the enactment of By-law No.86-77 pursuant to Section 28 of the *Ontario Heritage Act*. The Committee's statutory role is advisory to Council and is recognized as the legitimate vehicle for coordinating and conveying community concerns respecting heritage conservation activities.

Responsibilities of Heritage Vaughan

Heritage Vaughan's activities flow from its statutory authority and are part of its advisory functions. Heritage Vaughan is given by Council the following duties:

Heritage Vaughan provides guidance and advice to Council in making decisions on any matters relating to the designation and conservation of property of cultural heritage value or interest, as individual properties or as heritage conservation districts pursuant to the *Ontario Heritage Act* (s.28) as follows:

- To advise and make recommendations to Council on all matters relating to the designation of individual properties (Part IV) or heritage conservation districts (Part V);
- Applications to alter, demolish or remove designated properties;
- Applications to repeal by-laws which designate individual properties as heritage properties;
- Recommendations to enter into heritage conservation easement agreements or covenants; and
- To advise and make recommendations to Council on other heritage matters as Council may deem appropriate by by-law.

Heritage Vaughan also has the responsibility to keep Council informed of its plans and activities. This is often accomplished through committee minutes and reports, and by having members of Council appointed to the committee as the first line of communication. Another method of ensuring council's awareness on heritage conservation issues is through monthly reporting through the Heritage Vaughan Minutes, which are approved by the Committee of the Whole every month. All decisions of Council as it relates to heritage matters are final.

Ontario Heritage Act Fines

Section 69 of the Act allows for imposition of a fine of up to \$1 million for any person found illegally demolishing a property in a Heritage Conservation District. This amount recognizes that illegal demolition of designated heritage properties is one of the most serious offences under the

Act. Provision is also made for municipalities to recover the costs of restoring illegally altered buildings or structures designated under Part IV or Part V.

Since the Ontario Heritage Act was passed in 1974, there have been only a small number of prosecutions carried out by municipalities for contravention of the provisions of the Act, mainly for unauthorized alterations or demolition of designated property.

Please see the Attachments section for extracts from the Ontario Heritage Act and the Heritage Vaughan By-Law.

2.0 Analysis

Examples from other Municipalities in Ontario

Laying of Charges under the Ontario Heritage Act – Town of Markham

Section 69 of the Act allows for imposition of a fine of up to \$1 million for any person found illegally demolishing a property in a Heritage Conservation District. This amount recognizes that illegal demolition of designated heritage properties is one of the most serious offences under the Act. Provision is also made for municipalities to recover the costs of restoring illegally altered buildings or structures designated under Part IV or Part V.

In order to look at the process that would be involved in laying charges for an offence under the Ontario Heritage Act, staff looked at the one followed by the neighbouring Municipality of Markham. Markham heritage staff work with their legal department to take offences under the OHA to court. The municipality may suggest a fine and the court decides the final appropriate fine. Please refer to the attachment showing a sample range of fines resulting from Markham's cases. Negotiations outside the court in order to achieve restoration or compliance have been sought in some occasions, and upon achieving a satisfactory agreement the charges are dropped. In staff's inquiry result, City of Hamilton also have prosecuted offenders under the Act as well.

Based on Legal Service's feedback, Vaughan may follow the same process for contraventions. See attachment and "City of Vaughan Legal Department Feedback" section below.

Increase to Heritage Permit Fees – Town of Markham

The Town of Markham has recently approved a fee of 300 dollars for work done without a Heritage Permit. The value was estimated based on the time that it takes staff to process the application factoring in the intricacies of the review once work has been undertaken. This does not trump the possibility of using the provisions under the Ontario Heritage Act and pursuing the matter in court.

Based on Legal Service's feedback, it could be possible to do something similar in Vaughan. See attachment and "City of Vaughan Legal Department Feedback" section below.

Set Infraction Fines – Town of Cobourg

The Corporation of the Town of Cobourg has set fines to "Regulate the Alteration of Designated Property within Heritage Conservation Districts" via a by-law approved by a Regional Senior Justice, pursuant to provisions of the Provincial Offences Act.

Based on Legal Service's feedback, it could be possible to do something similar in Vaughan. See attachment and "City of Vaughan Legal Department Feedback" section below.

City of Vaughan Legal Department Feedback Summary

Under the current Municipal Act, the City can pass a by-law that would enable staff to issue *Certificates of Offences (tickets)* with set fines to property owners who have altered the heritage property outside the provisions of a Heritage Permit.

In this case, the Provincial Offences Act would be triggered, and the maximum fine under a ticket is 1,000 dollars. The offender would still have the right to a trial in the Provincial Offences Court to dispute the ticket. The Justice would have the authority to vary the set fine even if the offender is found guilty. This by-law could not be applied retroactively. One advantage is that it is administratively easier than the currently way of laying a charge under the Ontario Heritage Act, is by issuing an *Information*.

Information is a document issued by a Justice of the Peace and it involves an informant swearing under oath that there are "probable and reasonable grounds" than an offence has been committed. The limit fine would be set, in the case of heritage issues, by the Ontario Heritage Act; the limit is 50,000 for individuals. [see section 69 of the Ontario Heritage Act].

Based on the Markham example of the fee of 300 dollars for unauthorized work, the fee would have to be recalculated specifically for Vaughan, and provide a tie with the services provided in order for it to be valid in Court.

Please refer to attachment for Legal Service's full response.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

Please refer to recommendation section of this report.

69. (1) Offences — Subject to subsection (2), every person who,

- (a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

(2) **Corporations** — Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$250,000 and not as provided therein.

(2.1) [REPEALED: S.O. 2005, c. 6, s. 44 (1), effective April 28, 2005 (R.A.)]

(3) **Exception** — Despite subsections (1) and (2), if a person is convicted of the offence of contravening section 34 or 34.5, demolishing or removing a building or structure in contravention of section 42 or contravening subsection 48 (1) or if a director or officer of a corporation is convicted of knowingly concurring in such an act by the corporation, the maximum fine that may be imposed is \$1,000,000.

(4) [REPEALED: S.O. 2005, c. 6, s. 44 (3), effective April 28, 2005 (R.A.)]

(5) **Recovery of restoration costs** — If a property designated under Part IV is altered in contravention of section 33 or if the external portions of a building or structure located in a heritage conservation district designated under Part V are altered in contravention of section 42, the council of the municipality may, in addition to any other penalty imposed under this Act, if it is practicable, restore the property, building or structure as nearly as possible to its previous condition and may recover the cost of the restoration from the owner of the property, building or structure, unless,

- (a) in the opinion of the council, the property, building or structure is in an unsafe condition or incapable of repair; or
- (b) the alteration was carried out for reasons of public health or safety or for the preservation of the property, building or structure.

(6) **Idem** — For the purpose of subsection (5), the council of a municipality may authorize any person in writing to enter on the property to carry out restorations.

[S.O. 2002, c. 18, Sched. F, s. 2 (44-47); S.O. 2005, c. 6, s. 44]

Fig. 1 Extract from Section 69. of the Ontario Heritage Act.

28. (1) Municipal heritage committee — The council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by by-law.

(2) Members — The committee shall be composed of not fewer than five members appointed by the council.

(3) Continuation of old committees — Every local architectural conservation advisory committee established by the council of a municipality before the day subsection 2 (7) of Schedule F to the *Government Efficiency Act, 2002* comes into force is continued as the municipal heritage committee of the municipality, and the persons who were the members of the local architectural conservation advisory committee immediately before that day become the members of the municipal heritage committee.

[S.O. 1993, c. 27, Sched.; S.O. 2002, c. 18, Sched. F, s. 2 (7)]

Fig. 2 Extract from Section 28. of the Ontario Heritage Act.

Nin Hernandez, Cecilia

From: Bendick, Chris
Sent: Friday, January 06, 2012 4:29 PM
To: Palermo, Angela
Cc: Nin Hernandez, Cecilia; Micoli, Laura
Subject: RE: Fines and Penalties Related to Heritage Permit or Heritage Structures
Follow Up Flag: Follow up
Flag Status: Red

Angela,

I have examined this issue and I can advise as follows:

The City has authority to pass a by-law which mimics the *Ontario Heritage Act*, similar to the by-law passed by the town of Cobourg. After passing such a by-law, certificates of offences (tickets) with set fines could be issued to offenders. Such a by-law could not be applied retroactively. For existing violations, the City would lay charges under the *Ontario Heritage Act*, provided such charges are brought within the 6 month limitation period.

Paragraph 3 of section 11(2) of the *Municipal Act, 2001* (the "Act") permits a municipality to pass by-laws for the "protection of persons and property". Paragraph 7 of section 11(3) of the Act also allows a municipality to pass by-laws relating to "structures". Paragraph 5 of section 11(3) of the Act also allows a municipality to pass a by-law relating to "culture, parks, recreation and heritage". This broad authority would enable the City to pass a by-law that regulates the heritage permit process, including a prohibition that a heritage property owner not alter the heritage property except in accordance with a heritage permit issued by the City. As you are aware, the *Ontario Heritage Act* already provides this regulation. Accordingly, the City would need to be mindful of section 14 of the Act, which provides that a by-law is without effect to the extent of any conflict with a provincial or federal Act. According to the Courts, a conflict exists where it is impossible to comply simultaneously with the by-law and the provincial legislation, or when the by-law frustrates the purpose of the Ontario Legislature in enacting the legislation. Should the City duplicate the provisions of the *Ontario Heritage Act* in the by-law, as done in the Cobourg by-law, there would likely be no conflict. It would be possible to comply with both the by-law and the *Ontario Heritage Act*, given that they would be duplicative. Also, the purpose of the Ontario Legislature (i.e. the preservation of heritage in Ontario) would be fulfilled regardless of whether the *Ontario Heritage Act* or the by-law is applied. Section 425(1) of the Act also permits a municipality to create offences where a person contravenes a by-law. Section 429(1) permits a municipality to create a system of fines for offences under a by-law.

The *Provincial Offences Act* governs the procedure by which a charge is laid for all regulatory offences, including by-law offences. According to the *Provincial Offences Act*, a charge can be laid by either Certificate of Offence or an Information. An Information is a document that is issued by a Justice of the Peace once an informant swears under oath that there are reasonable and probable grounds that an offence has been committed. Once the Information is sworn, a summons is issued to the offender to appear in court and answer to the charge. A Certificate of Offence is a type of ticket which is issued to an offender, similar to a speeding ticket. Tickets are usually used for less serious offences whereas Informations are usually used for the more serious offences. The maximum fine under a ticket is \$1,000. The maximum fine under an Information depends on the charging statute but is usually quite significant. For example, the maximum fine under the *Ontario Heritage Act* is \$50,000 for individuals. With respect to tickets, municipalities must apply to the Regional Senior Justice to get approval for short form wording (wording of the charge on the ticket) and a set fine (fine amount on the ticket). Currently, the only way to lay a charge under the *Ontario Heritage Act* is by way of Information, as the Province has not yet asked for approval of short form wording or a set fine from the Regional Senior Justice. This can only be done by the Province. If the City were to pass its own by-law, it could request approval for short form wording and set fines, as has been done in Cobourg. It should be noted, however, that an offender would still have the right to a trial in Provincial Offences Court to dispute the ticket. Furthermore, a justice has residual discretion to vary the set fine even if the offender is found guilty. One advantage to proceeding by way of a ticket would be that it is administratively easier to lay the charge. The availability of a ticket may also be a useful intermediate step for those minor offences which may not warrant the laying of an Information. It should also be noted that any such by-law could not be applied to

1/9/2012

actions committed prior to the enactment of the by-law.

R Cecilia Nin Hernandez provided me yesterday with a memorandum from the Town of Markham and a newspaper clipping, both of which outline proposed increases to heritage permit fees for unauthorized work. As correctly noted in the memorandum, the fee is not and should not be considered a fine nor a penalty for undertaking unauthorized work. Pursuant to section 390 of the Act, the City has authority to charge fees for services done by it. However, there must be a nexus between the fee and service provided. It would appear that Markham undertook a review of their fees, and they were able to justify a higher fee for permits where an owner has undertaken work prior to obtaining a permit. Should the City wish to increase fees as proposed by Markham, the City should undertake it's own review to determine whether an increase is warranted. Otherwise, such an increase may be successfully challenged in Court.

Please contact me if you have further questions.

Chris G. Bendick
Legal Counsel

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Legal Services Department
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chris.bendick@vaughan.ca

Fig. 3 Correspondence with Legal Services Department

Summary of Fines 2005-onward

Address	Requested by Markham	Actual fine by Court	Issue/Offence
150 Main St, Unionville	restoration	-----	Altering Historic Door- Charges dropped after door restored.
Sinclair Hagerman House 14 Ave.	restoration	-----	Removal of heritage fabric- Charges dropped after restoration/replication of materials
28 John Street, Thornhill Residential	\$500 per window	\$500 (total)	Replaced all original windows
22 Deanbank, Thornhill Residential	\$1,000	\$600 (Court)	Alterations to non-heritage building.
107 John Street, Thornhill Residential		\$6,200	Alterations to non-heritage building. Building Code Charges (5) \$3,000 fine; Heritage Charge (1) \$6,200
1209094 Ontario Limited Markham Village Commercial	\$10,000	\$4,500	Metal shingles installed on all roofs of commercial complex including 4 heritage buildings- Guilty Plea
189 Main Street, Unionville Unionville Arms Restaurant Commercial	\$5,000	\$3,000 (Court)	Demolition of walls of building that were to be retained after fire – Guilty Plea
294 Main Street, Unionville Residential	\$10,000	\$10,000	Demolition of dwelling- Guilty Plea
9 Euclid St, Unionville Residential	\$1,500	\$800	Alteration to heritage window opening- Guilty Plea
132 Main St, Unionville Residential	\$1,000	\$700	Removal of heritage wood fence – Guilt Plea
28 John Street, Thornhill Residential	\$5,000	\$3,750	Removal of heritage windows, 2 nd Offence, Guilty Plea
22 John Street, Thornhill Residential	\$5,000	-----	Covering historic wood siding with new wood siding. Charges dropped after front door and transom restored

			(\$5,000)
20 Peter St, Markham Village Residential	\$700	\$700	Removal of heritage windows - Guilty Plea
116 Main St, Unionville Residential	\$	\$	Alteration of pavement/landscape changes (creation of parking lot). Before the Court
174 Main St, Unionville Commercial	\$	\$	Historic Window altered to become door. Before the Court. Seeking Restoration.

Q:\Development\Heritage\SUBJECT\Prosecutions\Summary of Fines 2009 onward.doc

Fig. 4 Heritage Markham's Summary of Fines 2005 onward. Courtesy of Heritage Markham staff.

Work on heritage properties without permit costs \$300 more

BY L.H. TIFFANY HSIEH
thsieh@yrmg.com

Heritage property owners in Markham who fail to obtain a heritage permit before undertaking work will now be asked to pay a \$300 fee.

The new heritage permit fee for unauthorized work was approved by town council Tuesday for cases where the owner has neglected to obtain a heritage permit prior to doing works, such as new or different wall cladding or roof treatment, painting, new or changes to architectural features and new or different windows or doors.

There has never been a fee for a heritage permit application.

The new fee isn't a fine or penalty for

undertaking the unauthorized work.

It's calculated based on an average hourly wage of the staff members involved in additional administrative tasks and permits processing, including site visits, meetings and discussions with the applicant, report preparation and review by the heritage committee.

According to a staff report, it's estimated the review process could cost \$150 to \$500.

The report also noted that work undertaken without proper approvals can still result in the owner of the property being charged under the Ontario Heritage Act by the municipality.

As well, those who are found guilty of an offence and on conviction are liable to a fine as determined by the courts.

Fig. 5. Newspaper article describing Markham's work without a permit review costs.


Fig. 6. Cobourg's fines by-law

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 097-2009, for the Corporation of the Town of Cobourg, attached hereto is the set fine for those offences. This Order is to take effect February 17, 2011.

DATED at Newmarket this 17th
day of February, 2011.



Gregory Regis
Regional Senior Justice
Central East Region

**THE CORPORATION OF THE TOWN OF COBOURG
BY-LAW NO. 097-2009**

**A BY-LAW TO REGULATE THE ALTERATION OF DESIGNATED PROPERTY
WITHIN HERITAGE CONSERVATION DISTRICTS**

Part 1 - Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fines
1.	Alter or permit the alteration of any part of property (except interior) in a Heritage Conservation District Property without valid permit	Section 3.1 (a)	\$175.00
2.	Erect, demolish or remove any building or structure in a Heritage Conservation District Property without a permit	Section 3.1 (b)	\$250.00
3.	Permit erection, demolition or removal of such a building or structure on a Heritage Conservation District Property without valid permit	Section 3.1 (b)	\$250.00
4.	Alter property or permit the alteration of a Designated Property without consent in writing of Council	Section 3.2 (a)	\$175.00
5.	Demolish or remove or permit demolition or removal of a building or structure on a Designated Property	Section 3.2 (b)	\$250.00
6.	Failure to ensure no work is done other than the work that has been permitted in writing	Section 3.3	\$175.00

NOTE: The penalty provision for the offences indicated above is Section 10.1 of by-law number #097-2009, and section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33, repealing #077-2006

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NO. 097-2009

BEING a By-law to regulate the alteration of Designated Property and property located within Heritage Conservation Districts within the Town of Cobourg

WHEREAS the Council for the Town of Cobourg has by By-law designated properties as Designated Properties pursuant to Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.H-18 as amended;

AND WHEREAS the Council for the Town of Cobourg has by By-law designated parts of the Town of Cobourg as Heritage Conservation Districts in accordance with Part V of the *Ontario Heritage Act*, R.S.O., 1990, H-18 as amended;

AND WHEREAS Section 33 of the *Ontario Heritage Act* provides that no Owner of property designated under Section 29 shall alter a property unless Council consents in writing to the alteration;

AND WHEREAS Section 42 of the *Ontario Heritage Act*, R.S.O., 1990, c.O-18 provides that no one is to alter or permit the alteration of any property or erect, demolish or remove any building or structure on a property located in a Heritage Conservation District without a permit issued by the Municipality;

AND WHEREAS Section 42 (2.2) of the *Ontario Heritage Act* provides that an application for a permit shall include such information as the Council of the Municipality may require;

NOW THEREFORE the Council for the Corporation of the Town of Cobourg hereby **ENACTS AS FOLLOWS:**

1. Short Title

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

2. Definitions

(1) In this By-law,

- (a) **"Act"** - means the *Ontario Heritage Act*, R.S.O., 1990, c.O-18 as amended;
- (b) **"Applicant"** - means the Owner of a building or Property who applies for a permit or consent in writing or any person authorized in writing by the Owner to apply for a permit or consent in writing on the Owner's behalf;
- (c) **"Alter"** - means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;

- (d) **"Director"** - means the Director of Planning and Development for the Town as appointed by By-law from time to time;
 - (e) **"Designated Property"** - means a specific property designated by the Town as a property to be of cultural heritage value or interest pursuant to Section 29 of the Act;
 - (f) **"Heritage Conservation District"** - means any part of the Town of Cobourg designated as a Heritage Conservation District by By-law pursuant to the provisions of Part V of the Act;
 - (g) **"Cobourg Heritage Committee"** - means the Committee formerly known as the Local Architectural Conservation Advisory Committee which has been continued as the Cobourg Heritage Committee pursuant to the provisions of Section 22 of the Act to advise and assist Council in matters relating to Part IV, Part V and such other heritage matters as Council may specify;
 - (h) **"Owner"** - means the registered Owner of the property and includes a lessee, mortgagee in possession and the person in charge of the property;
 - (i) **"Permit"** - means permission or authorization given in writing by Council or its delegate to an applicant to perform alterations to a building or structure or the demolition or removal of any building or structure on any property located in a Heritage Conservation District;
 - (j) **"Property"** - means real property and includes all buildings and structures thereon.
- (2) Terms not defined in this By-law shall have the meaning ascribed to them in the Act.

3. General Prohibition

- (1) No person shall do any of the following on any property situated in a Heritage Conservation District unless the person has a permit issued pursuant to the provisions of this By-law to do so:
 - (a) alter or permit the alteration of any part of the Property other than the interior of any structure or building on the Property; or
 - (b) erect, demolish or remove any building or structure on the Property or permit the erection, demolition or removal of such a building or structure.
- (2) No person shall do any of the following on any Designated Property unless a person has the consent in writing of Council or its designate pursuant to the provisions of this By-

law to do so:

- (a) alter the Property or permit the alteration of the Property if the alteration is likely to affect the Property's heritage attributes, as set out in the description of the Designated Property's Heritage attributes that was required to be served and registered under subsection 29 (6) or (14) of the Act as the case may be; or
 - (b) demolish or remove a building or structure on a Designated Property or permit the demolition or removal of a building or structure on a Designated Property.
- (3) Where a permit has been issued pursuant to Section 3 (1) above or consent in writing has been given pursuant to Section 3 (2) of this By-law, no person shall do any work on the building or property for which the permit was issued or the consent in writing given other than the work that has been permitted or authorized in writing.

4. Applications for Permits and Consents

- (1) To obtain a permit or consent in writing required by Section 3 of this By-law, the Owner of the property shall file with the Director a complete Town of Cobourg Heritage Permit Application as approved by the Director from time to time.
- (2) Every application shall:
 - (a) identify and describe in detail the work, use and occupancy to be covered by the permit or consent for which the application is made;
 - (b) describe the Property on which the work is to be done by a description that will readily identify and locate the site on which the alteration, erection, demolition or removal is to occur;
 - (c) be accompanied by acceptable proof of corporate identity and property ownership unless such proof is determined by the Director to be unnecessary;
 - (d) be accompanied by such plans and specifications as may be required by the Director;
 - (e) state the name, address and telephone number of the owner, applicant, architect, engineer or other designer and the contractor or person hired to carry out the demolition as the case may be;
 - (f) include such information as may be required by the Director including, but not limited to any historic photographs of the building indicating exterior finishes and condition and the specifications of any products or materials for use on the building exterior;

- (g) be signed by the Applicant who shall certify the truth of the contents of the application; and
 - (h) include payment of the fee for the application in the amount set by Council from time to time.
- (3) Council is not required to consider any application for a permit or consent pursuant to the provisions of this By-law until the application is complete and in accordance with the provisions of this By-law.

5. Consultation with Cobourg Heritage Committee

- (1) Council shall consult with the Cobourg Heritage Committee prior to making any decision as to the issuance of a permit or consent in writing for the alteration, erection, demolition or removal of any building or structure on a Designated Property or any building or structure on property in a Heritage Conservation District.
- (2) In considering an application for a permit or a consent in writing for the alteration, erection, demolition or removal of any building or structure on a Designated Property or any building or structure on property located in the Heritage Conservation District, the Cobourg Heritage Committee and Council shall have regard to the Heritage Conservation District Guidelines where the property is located in a Heritage Conservation District and where the Property is a Designated Property, the Cobourg Heritage Committee and Council shall have regard to the Designated Property Heritage Attributes as set out in the description of the Designated Property Attributes that was required to be served and registered pursuant to Section 29 (6) or (14) of the Act.

6. Decision of Council

Where an application for a consent in writing or a permit has been made to Council pursuant to the provisions of this By-law, Council shall within ninety days after receiving the completed application or within such longer periods as may be agreed upon by the Applicant and Council give the Applicant:

- (a) the permit or consent in writing as applied for;
- (b) notice that Council is refusing the application for the permit or consent in writing; or
- (c) the permit or consent in writing applied for with terms and conditions attached.

7. Delegation of Authority

- (1) Council hereby delegates to the Director Council's authority to consider applications for permits for the alteration of any

Property located in a Heritage Conservation District where the proposed alteration will affect matters including:

- (a) the type or colour of paint to be applied to the exterior of the building;
 - (b) exterior signage;
 - (c) the erection of fences on the Property;
 - (d) the erection and or alteration of accessory buildings having an area of less than 10 square metres on the Property;
 - (e) the replacement of eaves troughs and down spouts;
 - (f) the installation of exterior lights;
 - (g) the installation of removable storm windows and doors;
 - (h) the restoration or replication of wooden windows;
 - (i) the repair of existing architectural features including roofs, wall cladding, dormers, cupolas, cornices, brackets, columns, balustrades, porches and exterior steps, entrances, sidewalks, building foundations and decorative wood, metal, stone or terra cotta provided that the same type of materials are used for the repair as were used in the original features;
 - (j) the installation of mechanical or electrical equipment that is not visible from the street;
 - (k) the replacement of steps and sidewalks; and
 - (l) any alteration to the building that is not visible from the street upon which the property is located.
- (2) Council hereby delegates to the Director Council's authority to consent to alterations to Designated Properties pursuant to Section 33 of the Act for the following alterations where those alterations are likely to affect a Property's Heritage Attributes as set out in the description of the Property's Heritage Attributes that was required to be served and registered under Section 29 (6) or (14) of the Act:
- (a) the erection of fences;
 - (b) the erection or alteration of accessory building having an area of less than 10 square metres on the property;
 - (c) the replacement of eaves troughs and down spouts;
 - (d) installation of exterior lights;
 - (e) installation of removable storm windows and doors;
 - (f) the restoration or replication of wood windows;
 - (g) the repair of existing features including roofs, wall cladding, dormers, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, sidewalks, building foundation and decorative wood, metal, stone or terra cotta provided that the same type of materials are used in the repair as were originally used in the features;
 - (h) the installation of mechanical or electrical equipment visible from the street;
 - (i) the replacement of steps and sidewalks;
 - (j) all interior work but only if the interior has been designated unless the interior work will affect the structural integrity of the building; and
 - (k) any alteration that is not visible from the street.

- (4) Within ninety days after the receipt of a completed application or within such longer periods as may be agreed upon by the Applicant and the Director, the Director may give the Applicant,
- (a) the permit or consent in writing as applied for;
 - (b) notice that the Director is refusing the application for the permit or consent in writing; or
 - (c) the permit or consent in writing applied for with terms and conditions attached.

8. **Revocation of Permit**

Council or the Director may revoke a permit or consent in writing that has been issued by Council or the Director, as the case may be, under this By-law:

- (a) if it was issued on mistaken, faulty or incorrect information;
- (b) if, after six months after its issuance, the alteration, construction or demolition in respect of which it was issued has not, in the opinion of Council or the Director been seriously commenced;
- (c) if the alteration, construction or demolition of the building is, in the opinion of Council or the Director substantially suspended or discontinued for a period of more than one year;
- (d) if it was issued in error; or
- (e) if the holder of the permit requests in writing that the permit be revoked.

9. **Time Limit of Approval**

Any permit that has been issued by Council or the Director, as the case may be, under this By-law is valid for a period of two years from the date of the final approval.

10. **Offence**

- (1) Any person who contravenes any provision of this By-law shall be deemed to have committed an offence and upon conviction may be subject to such fines as are set out in the Act.
- (2) If a Designated Property is altered in contravention of Section 33 of this Act and this By-law or if the external portions of a building or structure located in a Heritage Conservation District are altered in contravention of Section 42 of the Act and this By-law, Council may, in addition to any other penalty imposed under this By-law or the Act, restore the property, building, or structure as nearly as possible to its

previous condition and may recover the cost of the restoration from the Owner of the property, building, or structure unless,

- (a) in the opinion of Council, the property, building, or structure is in an unsafe condition or incapable of repairs; or
- (b) the alteration was carried out for reasons of public health or safety or for the preservation of the property, building or structure.

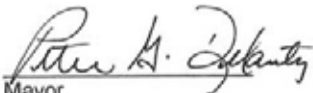
11. Validity

Should any clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the part so declared to be invalid.

12. By-law Number 077-2006 is hereby repealed.

THIS BY-LAW SHALL COME INTO FORCE and effect on the date of its passing hereof.


READ a first, second and third time and finally passed this 30th day of November, 2009.


Mayor


Municipal Clerk

097-2009

This is a certified true copy of a Bylaw passed by the Municipal Council of the Corporation of the Town of Cobourg on the 30th day of November, 2009


LORRAINE V. BRACE, MUNICIPAL CLERK
TOWN OF COBOURG,
COMMISSIONER FOR TAKING AFFIDAVITS,
R.S.O. 1990, CHAPTER C. 17, SECTION 1 (2)

Report prepared by:

Lauren Archer
Cultural Heritage Coordinator
Recreation and Culture Department

Cecilia Nin Hernandez
Cultural Heritage Coordinator
Recreation and Culture Department

Angela Palermo
Manager of Cultural Services
Recreation and Culture Department