

COMMITTEE OF THE WHOLE – JUNE 15, 2010

HERITAGE PERMIT DELEGATION OF APPROVAL BY-LAW

Recommendation

The Commissioner of Community Services, in consultation with the Director of Recreation and Culture and Director of Legal Services, recommends approval of the following recommendation by the Heritage Vaughan Committee:

- 1) That Council approve the enactment of a delegation by-law for Heritage Permit Applications that would authorize the Director of Recreation and Culture, or designate, the authority to approve Heritage Permit applications that conform or comply with the heritage conservation district guidelines, pursuant to subsections 33(15) and 42(16) of the Ontario Heritage Act, R.S.O., 1990, Chapter 0.18, as amended; and,
- 2) That the Mayor and Clerk be authorized to execute the subject by-law.

Contribution to Sustainability

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

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

Economic Impact

There is no economic impact associated with the approval of this item.

Communications Plan

The new procedure to be established as a result of the approval of this item shall be communicated to Heritage Permit applicants, identified on application forms and on the City of Vaughan website.

Purpose

The purpose of this report is, pursuant to subsections 33 (15) and 42 (16) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, to authorize the Director of Recreation and Culture, or designate, the authority to approve Heritage Permit applications that conform or comply with the heritage conservation district guidelines, as amended. This is being requested to improve customer service by reducing the time required to process compliant Heritage Permits and to authorize by by-law the current permit system in place.

Background - Analysis and Options

The City of Vaughan currently has four Heritage Conservation Districts designated under Part V of the Ontario Heritage Act (OHA). They include the Heritage Districts of Thornhill, Kleinburg-Nashville, Woodbridge and Maple, totaling 878 designated properties within the four districts. As well, the City has 49 properties individually designated under Part IV of the Ontario Heritage Act.

All properties designated under the Ontario Heritage Act, be they individually designated or a part of a Heritage Conservation District, require a Heritage Permit for any exterior changes, additions

or demolitions. This requirement includes contemporary buildings or heritage buildings within Conservation Districts.

The Heritage Conservation District Plans governing all four Districts identify Cultural Services staff and the Heritage Vaughan Committee as the approval/reviewing body for Heritage Permit applications. This has been the process followed by Cultural Services staff in reviewing Heritage Permit applications since 1989 when the Thornhill District was first designated. As the Districts were approved by by-law, it was accepted that the designating by-laws authorized staff as the approval authority for Heritage Permit applications as outlined in the District Plans, however, a delegation by-law as authorized by the Ontario Heritage Act is the tool that is needed to authorize this authority.

Heritage Permits are required for alterations to designated properties, in addition to approvals and permits issued by the Planning and Building Standards Department. These changes can be as simple as exterior painting to the construction of an entire new addition. The Ontario Heritage Act defines alteration as “to change in any manner and includes to restore, renovate, repair or disturb”. The 2005 amended OHA now requires that Heritage Permit applications be reviewed by Council within 90 days of application by the owner.

The OHA provides that municipal councils may delegate their consent or approval authority to a municipal employee or official. The delegated authority is for permits related to Part IV (individually designated properties) or Part V (properties designate within a heritage conservation district). The delegation by-law may specify the alterations or classes of alterations that are to be delegated for approval. A number of larger municipalities have delegation of authority by-laws for Heritage Permits and they include Toronto, Mississauga and Markham.

Heritage Vaughan Committee reviewed the heritage permit process and approved the recommendation found in this report.

Delegation By-law: Formalizing the District Plan's Authority to Staff

A delegation by-law pursuant to subsections 33(15) and 42(16) of the Ontario Heritage Act, R.S.O 1990, Chapter 0.18, will provide the necessary legal authority to allow staff to process Heritage Permit applications in a timely and efficient manner. It should be noted that the process being recommended would formalize and improve the process currently in place by reducing the time required to process and approve applications that conform or comply with the heritage conservation district guidelines.

The City of Vaughan delegation policy (number 1.33) speaks to The Municipal Act, 2001 and its requirement that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The policy requires that all delegations of Council powers, duties and functions shall be effected by by-law. Legislative matters shall be delegated by Council where they are minor in nature or where Council has provided for the terms and conditions under which the powers shall be exercised and must take into account the limitations set out in the Act. Furthermore, the policy allows for Council to entrust certain powers and duties to staff in order to respond to issues in a timely fashion. The proposed by-law adheres to the requirements of this policy.

Proposed Authority to be Delegated

It is recommended that the Director of Recreation and Culture, or designate, be delegated power respecting the granting of consents and approvals for routine alterations to designated properties, including the authority to attach terms and conditions to applications. This would include alterations that comply with a district's design guidelines. This authority does not and cannot include the right to refuse an application, approve an application for new construction, or consent to the demolition of a designated building.

The proposed delegation by-law would delegate authority to the Director of Recreation and Culture, or designate the authority to approve compliant Heritage Permits. All Heritage Permit applications will still require Heritage Vaughan's review. Examples of alterations where delegation of authority to consent to permits under the *Ontario Heritage Act* would be appropriate include but are not limited to, the installation of fencing, landscaping work, replacement of roofing material, repainting the exterior of a home, the installation of signage, alterations which do not impact significant heritage attributes, and minor revisions to previously approved heritage permit applications.

It should be highlighted that should outstanding issues in an application not be resolved between the applicant and staff or Heritage Vaughan, these applications will be forwarded to Council allowing applicants to present their proposal to Council for a final decision on the matter. It should also be emphasized that the delegation approval does not relieve the applicant of the requirement to obtain other necessary approvals such as Building Permits, Site Plan Approvals or Committee of Adjustment approvals.

Heritage Permits & Reviews

Table below shows number of Heritage Permit and Heritage Clearance Reviews by Cultural Services.

Permit Type	2009 <i>Thornhill, Kleinburg-Nashville, Maple & Woodbridge Districts</i>	2008 <i>Thornhill, Kleinburg-Nashville & Maple Districts</i>	2007 <i>Thornhill, Kleinburg-Nashville Districts</i>	2006 <i>Thornhill, Kleinburg-Nashville Districts</i>
Heritage Permits	36	28	31	24
Clearance Reviews For Demolition	66	77	68	67

As noted above, on average 30 Heritage Permits are processed per year. This number is expected to increase with the total number of heritage conservation districts now at four.

A primary goal for delegating approval authority to a municipal staff member is to streamline and shorten waiting periods of the approval of compliant applications for alteration. This process provides a number of benefits and efficiencies as following:

- Improve customer service by reducing waiting periods for Heritage Permits applications.
- Improve the application process and eliminate delays for applications that conform to District Design Guidelines.
- Reduce staff time spent on report preparation and processing.

Overall, the approval of a delegation by-law would improve waiting periods for property owners by not requiring their Heritage Permit to be scheduled for final approval at a Council meeting in order to be processed.

Proposed Administrative Process

The proposed administrative process utilizing delegated approval to staff is summarized below:

1. *Compliant Heritage Permit Applications Not Requiring a Building Permit or Site Plan will be forwarded to Heritage Vaughan and approved by the Director of Recreation and Culture, or designate.*

Applications to alter designated property that are in compliance with the Heritage District Guidelines and do not require a Building Permit or Site Plan approval will be forwarded to Heritage Vaughan for review, and if approved (with or without terms and conditions) will be forwarded to the Director of Recreation and Culture, or designate for approval. Such alterations may include changes such as paint colours or the replacement of exterior features (cosmetic only) that replicate or restore original features.

2. *Heritage Permits that are part of or require a Building Permit or Site Plan application will be forwarded to Heritage Vaughan for review.*

The Director of Recreation and Culture, or designate, will consent and provide approval to alteration of property (with or without terms and conditions) at the recommendation of Heritage Vaughan Committee. It should also be noted that Heritage Permit applications requiring other approvals from the Planning Department are first dealt with by Planning or in conjunction with the Planning Department in order to first deal with development issues.

3. *Application is not supported by Heritage Vaughan.*

The Director of Recreation and Culture, or designate, does not have the power to refuse an application. Applications are forwarded to Heritage Vaughan for review and if refused by Heritage Vaughan Committee, the application is forwarded to Council for consideration with a recommendation from Heritage Vaughan.

4. *Refusal of Applications or Requests for Demolition or New Construction are Forwarded to Council.*

Any refusals of applications to alter designated properties or demolish a designated property will be forwarded to Council. Heritage Vaughan will provide a recommendation on the application as authorized by the OHA.

The delegation of approval of Heritage Permits to the Director of Recreation and Culture, or designate, does not include the authority to refuse or approve demolition, new construction or the removal of properties designated under Parts IV and V of the *Ontario Heritage Act*.

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 does not recommend a change from the priorities previously set by Council and the necessary resources have been allocated

Regional Implications

None

Conclusion

The proposed delegation of approval by-law will greatly improve service excellence to our residents by reducing the time required to process Heritage Permits applications. This proposed process will reduce the time required to issue Heritage Permits to property owners and greatly improve customer service for applicants. It is important to note the authority assigned to staff will be to only approve applications that conform to the heritage district design guidelines. It does not grant authority to refuse applications or demolition permits for designated structures.

Attachments

None.

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Respectfully submitted,

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