



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: April 4, 2022

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**FROM:** Planning Services Department

**DATE:** March 22, 2022

**SUBJECT:** Heritage Delegation By-law 2022-021

**LOCATION:** Town-wide

**WARD:** Town-wide

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#### RECOMMENDATION:

1. That By-law 2022-021, a by-law to delegate Council's power under the *Ontario Heritage Act* and to repeal By-law 2016-121 and By-law 2018-020, be passed; and
2. That Alterations to Designated Heritage Properties Procedure G-GEN-010-001, be rescinded.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- In accordance with the *Ontario Heritage Act* and the *Municipal Act*, Council can delegate certain authority to staff.
- The town's Heritage Delegation By-law was originally enacted in 2011, then updated in 2016 and 2018.
- Staff has prepared a new Heritage Delegation By-law 2022-021 to be consistent with the *Ontario Heritage Act*, as recently amended.
- The Heritage Oakville Advisory Committee ('Heritage Oakville') reviewed and endorsed the draft by-law on February 22, 2022.
- All delegated heritage approvals would remain subject to Council's approved cultural heritage conservation plans, policies and guidelines.

#### BACKGROUND:

The purpose of the proposed Delegation By-law 2022-021 is to include additional powers to be delegated to the Director of Planning. The draft by-law is attached as Appendix A.

In 2011, the town's first Heritage Delegation By-law 2011-115 was enacted. That by-law delegated to staff the authority to approve minor alterations to properties designated under Part IV and Part V of the *Ontario Heritage Act*, including: alterations to minor features, alterations to non-heritage features and minor alterations to heritage features.

In 2016, By-law 2011-115 was amended by By-law 2016-121, which made minor revisions to wording and added the delegated authority to approve property severance (not resulting in a new lot) and to approve the extension of the approval timeline related to heritage permit applications.

In 2018, a new Heritage Designation By-law 2018-020 was enacted. That by-law includes the following additions: a list of definitions; references to conservation plans made for cultural heritage landscapes; and a new requirement to report back to Heritage Oakville on a quarterly basis. By-law 2018-020, which is still in effect and attached as Appendix B, also repealed By-law 2011-115, but not By-law 2016-121 whose sole purpose was to amend By-law 2011-115.

Staff have now prepared a new Heritage Delegation By-law 2022-021 in order to provide additional powers to address new requirements in the *Ontario Heritage Act*, which was updated in 2021. The proposed new by-law also clarifies some of the existing requirements from By-law 2018-020. More details are provided below.

### **IMPLEMENTATION:**

In order to clearly outline the proposed changes introduced in the draft By-law 2022-021, sections that have been added or significantly revised have been highlighted in the attached draft by-law.

In section 1, the list of definitions has been updated to delete definitions that are not referenced in the document. Additionally, the new definition of "alter" has been added to reflect the 2021 update to the *Ontario Heritage Act*.

In section 3, the list of alterations to heritage properties to be delegated to staff for approval has been updated. The purpose of this update is not to make any significant changes to the types of alterations to be delegated, but rather to simplify the direction of the delegation. This has been done by including only the types of alterations that *cannot* be delegated to staff, rather than including all of the types of alterations that *can* be delegated to staff.

Staff is proposing that all alterations to heritage properties be delegated to the Director of Planning, except for the following:

- Removal of heritage attributes
- Construction of accessory building or wing with over 5 metre height and over 15 square metre footprint
- Removal of accessory building or wing with over 15 square metre footprint
- Severance of a property resulting in new lot
- Alterations with significant impact on cultural heritage value

As such, the types of alterations that could be approved by staff would remain minor in nature. The process of delegating alterations to staff would also remain the same as the current process. Staff would continue to have the authority to grant or consent to heritage permits with or without conditions. If staff could not support an application, or there were issues that could not be resolved between the applicant and staff, the application would be referred to Heritage Oakville and Council in a timely manner so that Council could make a final decision within the 90-day time limit.

In order to ensure that Heritage Oakville and Council remain informed about all heritage permit applications, staff would continue to provide quarterly memos summarizing all of the applications approved through delegated authority.

The town's current process delegating minor heritage approvals to staff provides for good customer service, and reduces unnecessary wait times and workload. The simplified list of alterations that would be delegated to staff for approval under By-law 2022-021, combined with the quarterly updates to Heritage Oakville and Council, would allow for the process to remain clear and transparent. It is also important to note that all delegated heritage approvals would remain subject to Council's approved cultural heritage conservation plans, policies and guidelines.

In section 8, a new delegated power has been added to allow staff to issue a notice of intention to amend a designating by-law. Currently, staff are required to take a report to both Heritage Oakville and Council recommending that a notice be issued. This update would allow staff to immediately issue a notice without those added steps. This delegated power is only for amendments to designating by-laws that correct the legal description of the property, or correct the statement of cultural heritage value or interest as a result of an approved heritage permit (i.e., a heritage attribute was removed through a heritage permit and therefore needs to be removed from the by-law). Any other proposed amendments to designating by-laws would still require Council to issue the notice after consultation with Heritage Oakville.

In section 9, a new delegated power has been added to allow staff to enter into and execute a heritage easement agreement. Currently, staff require approval from Council to take this step. This delegation would allow staff to move more quickly to protect heritage properties through heritage easement agreements. Any planning

applications or heritage permit applications related to a project that requires a heritage easement agreement would still be brought to Heritage Oakville for review.

In section 10, new delegated powers have been added to extend time limits under the *Ontario Heritage Act*. This section has been added as a result of the 2021 updates to the *Ontario Heritage Act*, which include new time limits related to the following processes: individual designation of a property; alterations to and demolition of individually designated properties; and alterations to and demolition of properties designated as part of heritage conservation districts. Delegating authority for this item would allow staff to work with property owners to extend these time limits when appropriate.

Finally, in section 14, the draft by-law proposes to repeal By-law 2016-121 and By-law 2018-020 and replace them with By-law 2022-021.

When the original Heritage Delegation By-law 2011-115 was prepared, staff reviewed heritage delegation by-laws from municipalities across Ontario to ensure that the town's by-law was based on best practices. The same was done in preparing the proposed By-law 2022-021. Much of the content is consistent with the heritage delegation by-laws of other municipalities, including the City of Toronto.

The intent of the Alterations to Designated Heritage Properties Procedure G-GEN-010-001 was to outline the process for the exercise of delegated authority for the granting of permits for alterations to designated heritage properties. This process is captured in By-law 2022-021, and as such, staff recommend rescinding this procedure.

## **Conclusion**

The delegation of authority to staff for the various items identified in the draft Heritage Delegation By-law 2022-021 would greatly improve customer service by reducing the wait time for applicants. Additionally, the delegated processes would significantly reduce the amount of time spent by staff, Heritage Oakville and Council in the preparation, processing and review of reports, and allow staff to focus on other heritage activities. This streamlining would also have a positive impact on the public perception of heritage planning and its various approval processes, while continuing to support the conservation of Oakville's significant cultural heritage resources.

The staff recommendation was endorsed by Heritage Oakville at their meeting on February 22, 2022.

**CONSIDERATIONS:**

**(A) PUBLIC**

Delegation of authority to staff helps to reduce wait times for applicants and improves customer service.

**(B) FINANCIAL**

Delegation of authority to staff will continue to reduce the amount of staff time spent on report preparation and Committee and Council administration.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Legal department has been consulted on this report and the proposed by-law.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- Continuously improve our programs and services
- Provide outstanding service to our residents and businesses
- Enhance our cultural environment
- Be the most liveable town in Canada

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The proposed update to the heritage delegation by-law does not have a negative impact on the town's climate initiatives.

**APPENDICES:**

Appendix A – Heritage Delegation By-law 2022-021

Appendix B – Heritage Delegation By-law 2018-020

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