

Committee of the Whole (1) Report

DATE: Tuesday, January 23, 2024

WARD(S): ALL

TITLE: AMENDMENT OF BY-LAW 394-2002

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on the application to amend By-law 394-2002 as shown on Attachment 1.

Report Highlights

- The *Ontario Heritage Act* R.S.O. 1990, c. O.18 requires that properties designated as Heritage and all intended revisions to the status of properties on the Municipal Heritage Register be published in a local newspaper.
- The City of Vaughan no longer has local newspaper publications in print.
- Section 270 of the *Municipal Act*, 2001, SO 2001, c25 requires a municipality to adopt and maintain policies with respect to the form and manner of the publication of notices.
- The Development Planning Department supports the proposed amendments to By-law 394-2002 as outlined in this report.

Recommendations

1. THAT Council approve the proposed amendments to By-law 394-2002, as outlined in the Report;
2. THAT Council direct Development Planning staff to issue a notice of the passage of this By-law in the Globe and Mail; and
3. THAT Council direct staff to adopt and implement a web page on the City's website where all Notices of Intent to designate and/or amend the status of properties on the Municipal Heritage Inventory be published and maintained in lieu of a local print newspaper publication.

Background

Bill 23 (*More Homes Built Faster Act, 2022*) amendments triggered an expedited review of properties listed in the Municipal Heritage Register.

The *More Homes Built Faster Act, 2022* amendments to the *Heritage Act* was enacted effective January 1, 2003. The amendments mandate municipalities to remove properties from the heritage register, if a municipality does not pass a by-law designating the property on the second anniversary of the *More Homes Built Faster Act, 2022* coming into force: the deadline being January 1, 2025.

Considering this amendment, City staff are working to identify properties of interest under section 29 of the *Heritage Act* to recommend for designation as cultural heritage properties before the January 1, 2025, deadline.

The *Ontario Heritage Act* requires publication of notices in newspapers having general circulation.

The *Ontario Heritage Act* requires the municipality to publish its notices of intent to designate and amendments to the status of heritage properties on the Vaughan Heritage Inventory ('RPCHV' – Registered Properties of Cultural and Heritage Value), whether Listed, Designated, or in the Heritage Conservation Districts, and completed processes such as designations and repeals of designation by-laws through printed notice in a newspaper having general circulation in the municipality.

The City of Vaughan does not have a local print newspaper.

As of September 2023, the last remaining local publication in the City of Vaughan, "The Vaughan Citizen", ceased circulation, and there are no local newspapers left to publish required notices.

The applicable Provincial legislation is provided herein:

Section 270 of the *Municipal Act*

- (1) A municipality shall adopt and maintain policies with respect to the following matters:
4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

Section 26 of the *Ontario Heritage Act*

PART IV: INDIVIDUAL DESIGNATIONS

Definition

(1) In this Part, "property" means real property and includes all buildings and structures thereon. 2005, c. 6, s. 14.

Publication of notice

(4) Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act*, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (1).

Section 39 of the *Ontario Heritage Act*

PART V: HERITAGE DISTRICTS

Definition

(1) In this Part, “property” means real property and includes all buildings and structures thereon. 2002, c. 18, Sched. F, s. 2 (20).

Publication of notice

(3) Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act*, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (2).

Previous Reports/Authority

By-law 398-2002 (see Attachment 1)

Analysis and Options

Section 270 of the *Municipal Act* enables a municipality to adopt a policy outlining a process for giving notices to the public. By-Law 394-2002 fulfills this purpose.

The City of Vaughan enacted By-Law 394-2002 on January 1, 2003, which sets out the procedure for providing statutory notice to the public in conformity with section 270 of the *Municipal Act*, on items ranging from notices for the adoption or amendments to the budget or amendments to the procedure by-law.

In light of this, City staff propose that Council amend the existing By-law 394-2002 to adopt the practice of publishing all notices of intent to designate and/or amend the status of properties on the Vaughan RPCHV on a City webpage.

Adding digital notice provisions for heritage matters will fulfill the City’s statutory requirements under the *Ontario Heritage Act*.

The proposed amendments to By-law 394-2002 are in keeping with the measures already in effect, adopted by numerous other municipalities and townships across Ontario. The practice is also supported by the Ontario Heritage Trust and the Canadian Association of Heritage Professional (‘CAHP’).

In the absence of a local print publication, City staff are looking to integrate digital publication to fulfill its statutory notice requirements for heritage notices of intent to designate and/or amending the status of heritage properties.

Specific amendments sought:

The proposed amendments are shown below in Table 1:

Table 1

<u>Existing By-Law 394-2002</u>	<u>Proposed Amendment or Addition</u>
<p>“Published” or “Publication”</p> <p>means published in a daily or weekly newspaper that, in the opinion of the City’s Clerk, has sufficient circulation within the City to provide reasonable notice to those who may be affected by a proposed by-law, action or matter.</p>	<p>“Published” or “Publication”</p> <p>means publication of notices in a daily or weekly newspaper or on the City of Vaughan’s web site, that in the opinion of the City’s Clerk provides reasonable notice to those who may be affected by a proposed by-law, action, or matter.</p>
	<p>“Property”</p> <p>means real property and includes all buildings and structures thereon.</p>
	<p>“City’s web site”</p> <p>means the official internet website of the City of Vaughan whose uniform resource locator is known as www.vaughan.ca</p>
	<p>Section 4(15): Heritage</p> <p>Notice of an intention to designate a property under section 26 or 39 of the <i>Ontario Heritage Act</i> or notice of a proposed designation by-law or amendment to a designation by-law shall consist of publication of notice on City’s web site.</p>

Financial Impact

There are no Financial Impacts associated with this report.

Operational Impact

There are no Operational Impacts associated with this report.

Broader Regional Impacts/Considerations

There are no Regional impacts or considerations applicable.

Conclusion

The Development Planning Department recommends the proposed amendment to By-Law 394-2002 as outlined in this Report, to facilitate digital notices to the public for notices of intent to designate and amendments to the status of heritage properties in the Vaughan Heritage Inventory.

For more information, please contact: Nick Borcescu, Senior Heritage Planner, ext. 8191.

Attachment

1. By-law 394-2002.

Prepared by

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Approved by



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Reviewed by



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