

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2024**

Item 5, Report No. 1, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 30, 2024.

#### **5. AMENDMENT OF BY-LAW 394-2002**

**The Committee of the Whole recommends approval of the recommendations contained in the report of the Deputy City Manager, Planning and Growth Management, dated January 23, 2024.**

#### **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.

# Committee of the Whole (1) Report

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**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

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**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**

<b><u>Existing By-Law 394-2002</u></b>	<b><u>Proposed Amendment or Addition</u></b>
<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 <a href="http://www.vaughan.ca">www.vaughan.ca</a></p>
	<p>Section 4(15): <b>Heritage</b></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**

Nick Borcescu, Senior Heritage Planner, ext. 8191.

Shahzad Davoudi-Strike, Manager Urban Design and Cultural Services, ext. 8653.

Nancy Tuckett, Director of Development Planning, ext. 8529.

## **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

## **Reviewed by**



Nick Spensieri, City Manager

***THE CITY OF VAUGHAN***

***BY-LAW***

**BY-LAW NUMBER 394-2002**

**A By-law to provide for the form, manner and time for the provision of notice for various matters**

WHEREAS section 251 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is required to give notice under a provision of the Act, the municipality shall give notice in a form, in a manner and at the times the Council considers adequate to give reasonable notice to the public under the provision;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it appropriate to establish minimum notice requirements for actions, proposed by-laws or other matters where specific minimum notice requirements have not been prescribed by the Act or regulations;

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

**1. Definitions**

In this By-law, the following terms shall have the meanings set out:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

“City” means The Corporation of the City of Vaughan.

“City’s web site” means the City of Vaughan’s official web site at [www.city.vaughan.on.ca](http://www.city.vaughan.on.ca).

“Committee” means a Committee of Council.

“Council” means the Council of the City.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“Newspaper” means a printed publication in sheet form intended for general circulation, published at intervals of not less than weekly, consisting in great part of news of current events of general interest.

“Notice” means printed and published notification and includes notice by listing on a public agenda for a meeting of a Committee or City Council, whichever is applicable.

“Notice to the Public” means notice provided to the public generally, but not notice where it is given only to specified persons.

“Public Agenda” means a listing of the matters to be considered at a meeting of a Committee or Council.

“Published” or “Publication” 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.

**2. Application**

- (1) Where the City is required to give notice under a provision of the *Municipal Act*, the municipality

shall provide notice in the form, manner and at the times set out in this By-law, except where:

- (a) The *Municipal Act*, another Act or a regulation prescribes the requirements for notice;
  - (b) Another by-law enacted by the City prescribes the requirements for notice;
  - (c) Council has specifically directed that some other public notice is to be given, which may be for a longer or a shorter period, or in a different form, that Council considers adequate to give reasonable notice under the provision;
  - (d) The provision of such notice will interfere with the Council's ability to conduct business with respect to a matter for which a closed meeting may be held in accordance with section 239 of the *Municipal Act*; or
  - (e) A matter arises which, in the opinion of the Mayor in consultation with the City's Chief Administrative Officer, is considered an emergency, is an urgent or time sensitive matter which could affect the health or well-being of the residents of the City, where a state of emergency has been declared or is an urgent or time sensitive matter advised by the Premier or a Minister of the government of the Province of Ontario.
- (2) Where a matter is deferred at a Committee meeting or the matter is considered at a subsequent meeting of the Committee, another Committee or a meeting of Council, no additional notice shall be required, except where otherwise provided in the *Municipal Act* or in a regulation made under the Act.

### **3. General**

- (1) The provisions for notice contained in this By-law are minimum requirements unless otherwise provided.
- (2) The Clerk shall ensure that schedules of meetings as adopted by Council from time to time are posted in the Clerk's Office and on the City's web site, and the posted schedule may be revised to include additional information at the meetings and any public meetings.
- (3) Where notice to the public is required by listing on the public agenda under this By-law, the Clerk shall cause notice of the proposed by-law or amendment to a by-law, or other matter, to be listed or posted on the printed public agenda for the Committee or Council meeting, as applicable, which agenda shall be available to the public, and the Clerk may also cause the notice to be posted on the City's web site;
- (4) Where notice to the public or a public meeting is required by publication in a newspaper under this By-law, the Clerk shall cause notice of the proposed by-law or amendment to a by-law, or other matter, to be published in a newspaper, which notice shall contain:
- (a) a general description of the matter;
  - (b) where it relates to a specific location, sufficient particulars of the location which may include reference to a municipal address, street intersection, legal description or plan number, or a key plan showing the location;
  - (c) the date, time and location of the meeting at which the matter will be considered;
  - (d) instructions for requests to attend at the Committee meeting to speak to the matter or for the submission of written comments to the Committee, as well as the name of a person who may



be contacted for further instructions or information on the matter.

(5) Where a public meeting is required under this By-law, at least one public meeting shall be held where persons in attendance are given an opportunity to be heard or to deliver written submissions for the consideration of the committee.

#### **4. Specified Notice to the Public**

Unless the proposed by-law or other matter comes within one of the circumstances described in section 2 of this By-law or additional notice is required under any provision of the *Municipal Act* or a regulation made thereunder, where the City is required to give notice to the public pursuant to a provision of the *Municipal Act*, the municipality shall provide notice in the form, manner and at the times set out below as required under the *Municipal Act* provisions noted in brackets:

##### **Highways**

(1) Notice of a proposed by-law or amendment to a by-law respecting highways or roads and dealing with matters under clauses (a) or (b) of this subsection shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least once a week for two (2) successive weeks prior to the week the meeting will be held to consider the proposed by-law:

(a) by-laws permanently *closing or altering* a highway (subsections 34(1) and (2) of *Municipal Act*); and

(b) by-laws *naming or changing the* name of a street, highway or private road (sections 47 and 48 of *Municipal Act*).

##### **Advertising Devices, including Signs**

(2) Notice of a proposed by-law or amendment to a by-law respecting advertising devices, including signs, on private or public property shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least thirty (30) days prior to the date the proposed by-law is to be considered, or such notice as may be required from time to time in the City's By-law regulating such signs or advertising devices (section 99 of *Municipal Act*).

##### **Licensing and Business Registry**

(3) Notice of a proposed by-law or amendment to a by-law respecting the licensing of any business or to establish and maintain a registry of businesses shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least ten (10) days prior to the date the proposed by-law is to be considered (subsections 150(4) and 157(3) of *Municipal Act* respectively) or, in the case of a licensing by-law or business registry by-law passed in an emergency without complying with the above requirements, as set out in subsections 150(5) and 157(4) of the *Municipal Act* respectively.

##### **Fees and Charges**

(4) Notice of a proposed by-law or amendment to a by-law to impose fees and charges under Part XII of the *Municipal Act*, except proposed by-laws described in subsection 4(5) below, shall be as follows:

- (a) publication of notice of a public meeting in a newspaper at least fourteen (14) days prior to the date the proposed by-law is to be considered;
- (b) notice of the public meeting shall set out the intention of the municipality to pass the proposed by-law or amendment to a by-law under Part XII of the Act and the nature of the fee or charge to be imposed or amended by the by-law; and
- (c) notice of the public meeting shall be provided in writing to every person and organization that within the past five (5) years has given the Clerk a written request for notice and a self-addressed envelope in accordance O.Reg. 244/02, section 14.

(5) Notice of a proposed by-law or amendment to a by-law to impose fees and charges for the use of a waste management system, sewage system or consumption of water or a by-law to impose fees or charges for inspections or issuance of permits for fire purposes shall be given in accordance with O.Reg. 244/02, sections 12 or 13, as applicable.

#### **Restructuring Proposal**

(6) Prior to a vote by City Council on a proposal to restructure the municipality (subsection 173(3) of *Municipal Act*), which proposal may be submitted to the Minister of Municipal Affairs and Housing, or any successor thereto, in addition to any consultation that may be prescribed from time to time by the Minister or by regulation, notice of the restructuring proposal shall be provided to the public by publication of notice in a newspaper of a public meeting to consider the proposed restructuring at least twenty-one (21) days prior to the date Council holds a vote to support or oppose the proposed restructuring, and by listing on the printed public agenda and/or posting on the City's web site.

#### **Change of Name of Municipality**

(7) Notice of a proposed by-law or amendment to a by-law respecting the changing of the name of the municipality (subsection 187(2) of *Municipal Act*) shall be provided to the public at least twenty-one (21) days prior to the date the proposed by-law is to be considered by listing on the printed public agenda and/or posting on the City's web site.

#### **Composition of Council**

(8) Notice of a proposed by-law or amendment to a by-law respecting changing the composition of the council of the municipality (subsection 217(2) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least twenty-one (21) days prior to the date the proposed by-law is to be considered, and by listing on the printed public agenda and/or posting on the City's web site.

#### **Establishing or Changing Wards**

(9) Notice of a proposed by-law or amendment to a by-law dividing or re-dividing the municipality into wards or dissolving existing wards (subsection 222(2) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least twenty-one (21) days prior to the date the proposed by-law is to be considered, and by

listing on the printed public agenda and/or posting on the City's web site.

**Procedure By-law**

(10) Notice of a proposed by-law or proposed amendment to a procedure by-law (subsection 238(4) of *Municipal Act*) shall be provided to the public at least ten (10) days prior to the date the proposed by-law is to be considered by listing on the printed public agenda and/or posting on the City's web site.

**Sale of Lands**

(11) Notice of a proposed by-law or amendment to a by-law to declare any public land surplus and before the sale of any public land (subsection 268(3) of *Municipal Act*), shall conform to the notice requirements contained in the City's Disposal of Property By-law Number 121-95, as amended.

**Adoption or Amendments to Budget**

(12) Notice of an intention to adopt all or part of a budget or amendment to a budget (subsection 291(1) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed action at least fourteen (14) days prior to the date of the Council meeting, instead of a Committee meeting, and by listing on the printed public agenda and/or posting on the City's web site.

(13) Notice of an intention to adopt an amendment to a budget shall consist of publication of notice in a newspaper of a public meeting to consider the proposed amendment at least seven (7) days prior to the date of the Council meeting at which the proposed amendment is to be considered by listing or inclusion on the printed public agenda and/or by posting on the City's web site.

**Toll Roads**

(14) Notice of an intention to designate and operate and maintain a designated highway as a toll highway shall conform to the notice requirements specified in any regulation made under subsection 40(3) of the *Municipal Act*.

**5. Transition**

Despite the provisions of this By-law, if public notice of a matter was commenced or given under the *Municipal Act*, R.S.O. 1990, c.M-45, such notice shall be considered adequate to give reasonable notice of the matter for purposes of the public notice requirements under the Act or this By-law.

**6.** The provisions of this By-law shall come into force and effect on the 1<sup>ST</sup> day of January, 2003.

READ a FIRST, SECOND and THIRD time and finally passed this 16<sup>th</sup> day of December, 2002.

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Michael Di Biase, Mayor

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J. D. Leach, City Clerk