

HERITAGE VAUGHAN COMMITTEE – NOVEMBER 20, 2019

COMMUNICATIONS

Distributed November 20, 2019

Item

C1. Presentation.

1

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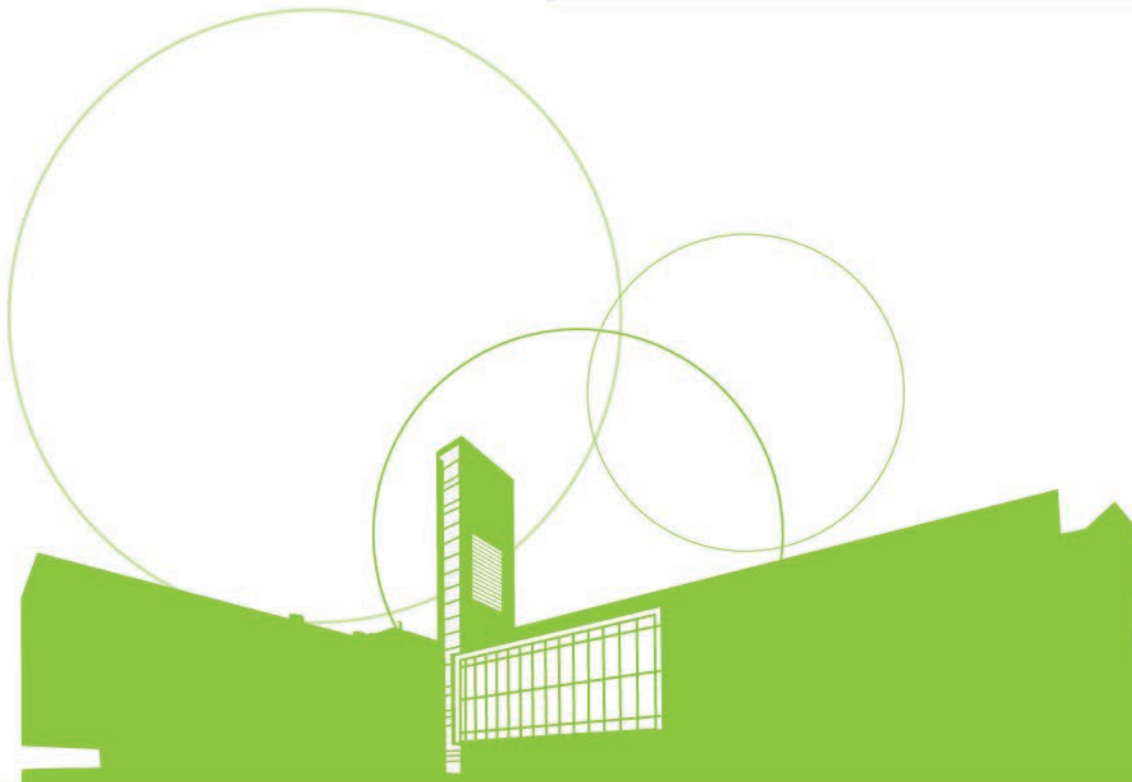
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C1
COMMUNICATION
Heritage Vaughan Committee -
November 20, 2019
ITEM - 1

Heritage Vaughan

20 November 2019 – 7pm

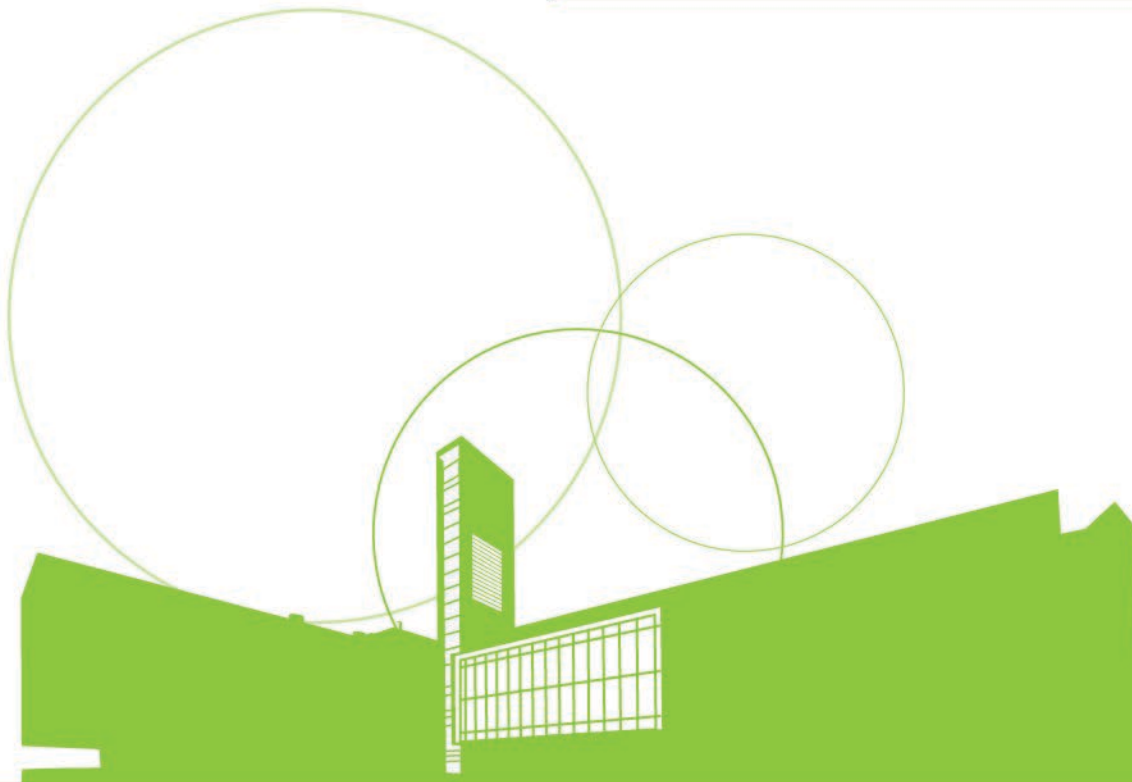


ITEMS

1. PROVIDE INFORMATION TO HERITAGE VAUGHAN COMMITTEE REGARDING THEIR ROLES, MANDATE AND RESPONSIBILITIES OUTLINED IN THE CURRENT TERMS OF REFERENCE (2009).



MANDATE, ROLES AND RESPONSIBILITIES OF THE HERITAGE VAUGHAN COMMITTEE



AN OVERVIEW OF THE ROLE OF MUNICIPAL HERITAGE COMMITTEES

Background

Under the *Ontario Heritage Act* ('OHA'), the council of a municipality may establish a municipal heritage committee to advise and assist the council on matters relating to Part IV and Part V of the OHA, and other heritage matters as Council may specify through by-law.

The Heritage Vaughan Committee is an Advisory Committee of Council.

The Heritage Vaughan Committee was originally created on May 2, 1977 through By-law 86-77, pursuant to Section 28 of the *Ontario Heritage Act* ('OHA'), to provide the Council of Vaughan with advice on the identification, conservation and preservation of Vaughan's cultural heritage properties. The duties of the Committee have been further defined through Delegation By-law 193-2015, as amended by By-law 109-2016.



AN OVERVIEW OF THE ROLE OF MUNICIPAL HERITAGE COMMITTEES

- The committee's statutory role is advisory to Council and is recognized as the vehicle for coordinating and conveying community concerns respecting heritage conservation activities; and to carry out assigned duties according to the municipal by-law or resolution and procedures established by the municipality.
- The OHA 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.
- 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.
- The committee may not exercise decision-making powers, or commit expenditures save for those specifically delegated by Council.
- The committee may not direct staff to undertake activities without authority from Council.



AN OVERVIEW OF THE ROLE OF MUNICIPAL HERITAGE COMMITTEES

The OHA (s. 28) defines the committee's statutory role as follows:

- *To advise and assist Council on all matters relating to the designation of individual properties (Part IV) or heritage conservation districts (Part V);*
- *To advise and assist the Council regarding the addition or removal of properties to be included to the Municipal Heritage Register;*
- *To advise and assist Council on applications to alter, erect, demolish or remove any buildings or structures on designated properties;*
- *To advise and assist Council on an application to repeal a designating by-law of a Part IV property; and*
- *To make recommendations to enter into heritage conservation easement agreements or covenants.*



AN OVERVIEW OF THE ROLE OF MUNICIPAL HERITAGE COMMITTEES

Other Responsibilities of the Heritage Vaughan Committee

- Researching, identifying and evaluating all properties and areas that may deserve protection by maintaining the Register of Properties of Cultural Heritage Value ('RPCHV') and the Properties of Interest ('POI') inventory;
- Researching grants and funding opportunities supporting the preservation of heritage properties;
- Promoting heritage conservation as well as advising property owners on appropriate conservation and maintenance practices;
- The development of community recognition for architectural preservation, innovation and adaptive reuse of heritage properties;
- Advising City Council of new heritage legislation and funding initiatives; and
- Formation of subcommittees to deal with the specific initiatives relating to the identified responsibilities of the Committee (i.e.: subcommittee to assist in evaluating properties for Listing under Section 27 of the OHA ('LSHS') or Designation under Part IV of the OHA.



UNDERSTANDING THE ROLE OF COUNCIL IN HERITAGE CONSERVATION

Council is Empowered under the OHA to:

- Designate individual property and designate district areas
- Issue or refuse permits to alter or demolish a designated property
- Repeal designation by-laws
- Purchase or lease individually designated property
- Expropriate designated property
- Provide grants and loans to designated property owners
- Enter into easements and covenants with property owners
- Institute a prosecution for failure to comply with designation by-law



UNDERSTANDING THE ROLE OF COUNCIL IN HERITAGE CONSERVATION

COUNCIL APPROVAL NOT REQUIRED	COUNCIL APPROVAL REQUIRED
<p data-bbox="123 318 929 529">Minor cosmetic alteration, delegated item to Cultural Heritage staff, and staff providing information to Heritage Vaughan Committee</p> <p data-bbox="123 636 813 786">Alteration to LSHS property, may be considered by the Heritage Vaughan Committee for major scope</p> <p data-bbox="123 896 813 1046">Addition to LSHS property, may be considered by the Heritage Vaughan Committee for major scope</p>	<p data-bbox="1000 318 1727 411">Demolition or relocation to Designated Part IV property not in an HCD</p> <p data-bbox="1000 494 1792 582">Demolition or relocation of LSHS property not in an HCD</p> <p data-bbox="1000 672 1682 822">Demolition and/or commemoration (plaque) within HCD, or for LSHS or Designated property</p> <p data-bbox="1000 903 1760 1160">Demolition or new construction within HCD and/or with a related planning application (ie: zoning by-law amendment, official plan or draft plan of subdivision application)</p>



STAFF TO SUPPORT HERITAGE VAUGHAN COMMITTEE'S ACTIVITIES

The role of staff is to act as a resource to the committee, but not to be members of the committee. The committee's work is to be conducted by the members themselves or by sub-committees. [General Rules, Roles, and Procedures Governing Advisory Committees (Revised January 2007)]

Staff from the Urban Design and Cultural Heritage Division of the Development Planning Department will provide advisory and technical support specific to the mandate and objectives of the Heritage Vaughan Committee.

The Development Planning Department will be responsible for preparing the agenda reports/items. The Office of the City Clerk will be responsible for agenda production and distribution and for giving procedural advice and recording the proceedings of the committee.



HERITAGE PERMITS

Heritage Permits are necessary when an owner wishes to alter, add, construct or demolish a Part IV or Part V property.

Once an application is considered to be complete, a municipality has 90 day to consider an application.

After 90 days, if there is no response from the municipality, a complete application under OHA is deemed to be approved.



DELEGATED BY-LAWS

Delegation By-law 193-2015 (amended by By-law 109-2016) allows for alterations to designated properties to be approved by Cultural Heritage staff and Heritage Vaughan through an application and review process.

Staff is permitted to approve minor applications through the Delegation – examples includes Sign Permits within a HCD, repainting, re-roofing with the same materials, etc.

For more significant alterations (such as an addition), extensive restoration work, or the alteration of a contributing heritage element (such as window replacement) Council must approve a Heritage Permit based on consideration of the recommendations by Cultural Heritage staff and the Heritage Vaughan Committee



DENIALS, DEMOLITIONS AND NEW CONSTRUCTION

Delegation By-law 193-2015 (amended by By-law 109-2016) does not allow Cultural Heritage staff or Heritage Vaughan Committee to deny an application – this is based on the interpretation of the Act which provides for delegation of alterations but not demolitions or new construction. Only the City of Vaughan Council can deny an application

Should an application not be suitable, staff and/or the Heritage Vaughan Committee must refer the matter to Council, along with their recommendation.

All demolitions of stand-alone buildings that require a Demolition Permit must be referred to Council for their decision – even an old garage or workroom.

All new construction in a HCD must also be referred to Council for a final decision.



ONTARIO REGULATION 9/06

Criteria for Determining Cultural Heritage Value or Interest

A property may be designated under section 29 of the OHA if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- A. design value or physical value
 - is a rare, unique, representative or early example of a style, type, expression, material or construction method
 - displays a high degree of craftsmanship or artistic merit, or
 - demonstrates a high degree of technical or scientific achievement

- B. the property has historical value or associative value because it
 - has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community
 - yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community



ONTARIO REGULATION 9/06

Criteria for Determining Cultural Heritage Value or Interest (cont'd)

- C. the property has contextual value because it
- is important in defining, maintaining or supporting the character of an area
 - is physically, functionally, visually or historically linked to its surroundings, or
 - is a landmark. O. Reg. 9/06, s. 1 (2)

What parts of a property does designation affect?

All of it. If a property is Listed (LSHS) or Designated (Part V within the HCD), protection is applied to the entire real property within the boundary of the property lines. On these properties, the defining heritage attributes are described as part of the Listing or Reasons for Designation.

For properties designated under Part IV of the OHA, protection is defined by the by-law describing the designation parameters and content.

Heritage attributes can include:

- landscape elements such as trees, fences or walls, gardens etc,
- ruins or archaeological resources
- built structures, including specific elements regarding their construction



ONTARIO HERITAGE ACT (OHA)

- Enacted in 1975
- Created to provide a provincial wide framework for the identification and conservation of cultural heritage
- Updated significantly in 2005
 - Protected properties designated under Part IV and Part V from demolition
- Recognition of the Ontario Heritage Act, or of cultural heritage has been incorporated into the
 - *Ontario Environmental Assessment Act* ('OEAA')
 - *Ontario Planning Act* ('OPA')
 - *Ontario Building Code* ('OBC')
- The OHA is recognized as “applicable law”
- Municipalities have the most defined roles in Part IV and Part V



OHA PART IV: DESIGNATION

Section 29 – Individual Properties

An individual property that is designated by the City through municipal by-law Alterations, demolitions, corrections, repeals, all are subject to a process outlined through Sections 30-34:

Section 34.5 refers to the designation of an individual property by the province – unless this property is designated through Section 29 or is part of a HCD, they do not require municipal consultation or permission for alterations

Section 37 refers to the creation of Heritage Easement Agreements on a heritage property that is entered into between the owner and municipality and is intended to be a more detailed layer of conservation on a property



OHA PART V: HERITAGE CONSERVATION DISTRICTS

Section 39.1 - HCDs

Heritage Conservation Districts (HCDs) are created under municipal by-law

Can be applied to downtown main streets, older suburbs/neighborhoods, and industrial areas

The guidelines of the HCD identifies contributing versus non-contributing architecture (buildings) and landscape

Prior to 2005, any Part IV properties within the HCD would lose their Part IV status

After 2005, properties may be designated Part IV again, particularly if a higher level of conservation is warranted, i.e. original windows, cladding, or if the interior is of significance



OHA PART IV: MUNICIPAL HERITAGE REGISTER

Section 27 – Register of Properties of Cultural Heritage Value (‘RPCHV’)

Contents of register: Part IV, Part V, and LSHS

The RPCHV is a list of the municipal properties that have been designated by the municipality or by the Minister under this Section and contains, with respect to each property,

- a legal description of the property
- the name and address of the owner
- a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property

The register may include properties that have not been designated under Part IV but that the council of the municipality believe to be of cultural heritage value or interest and shall contain, with respect to such properties, a description of the property that is sufficient to readily ascertain the property.



OHA PART IV: MUNICIPAL HERITAGE REGISTER

The RPCHV list of municipal properties fall under the following categories:

- Part IV properties (Provincial or Municipal by-law designation)
- Part V properties / Heritage Conservation Districts (HCDs)
 - Thornhill Conservation District (created in 1984, updated in 2007)
 - Kleinburg-Nashville Heritage Conservation District (created in 2003)
 - Maple Heritage Conservation District (created in 2007)
 - Woodbridge Heritage Conservation District (created in 2009)
- Listing of Property of Architectural and Heritage Significance ('LSHS')
- **Properties of Interest** (POIs) is an additional list created by Cultural Heritage staff, that identifies properties of potential cultural heritage value to be evaluated for inclusion on the LSHS register. These properties may be selected through a Cultural Heritage Survey, Block Plan Assessments, and/or local nomination.

The properties on this list do not have any special protection, and do not require Cultural Heritage staff review for alterations/demolition.



OHA PART IV: LISTED PROPERTIES ('LSHS')

Properties are officially “Listed” under Section 27.

The municipality has the right to initiate the designation process under Section 29, which means that a property acquires the protection of a designated property.

These properties do not require a Heritage Permit to alter, and the owner must give 60-day notice to the municipality if they wish to demolish all or any part of the structure. The City may ask for a CHIA as part of an application (per VOP 2010).

A municipality cannot add a property to the Register after an application to demolish has been submitted.

Listed properties are recognized as heritage resources in Land Use planning studies and applications.



CONFLICT RESOLUTION UNDER THE 'OHA'

Section 41.2 – Conflict: Consistency with HCD Plan

Despite any other general or special Act, if a HCD Plan is in effect in a municipality, the council of the municipality shall not,

- carry out any public work in the district that is contrary to the objectives set out in the plan; or
- pass a by-law for any purpose that is contrary to the objectives set out in the plan. (2005, c. 6, s. 31)

In the event of a conflict between a HCD Plan and a municipal by-law that affects the designated district, **the HCD Plan prevails to the extent of the conflict**, but in all other respects the by-law remains in full force.

Section 68 – Part VII General CONFLICT

(3) Where there is a conflict between the OHA or the regulations and any other Act or regulation, **the OHA or the regulations shall prevail**.



QUESTIONS and ANSWERS

SUMMARY OF PRESENTATION:

- ❑ The role of the Heritage Vaughan Committee is defined by the OHA, and the duties are delegated under the Terms of Reference (2009) outlined in By-law 86-77, and further defined through Delegation By-law 193-2015
- ❑ Cultural Heritage Staff supports the activities of the Heritage Vaughan Committee acting as a resource and providing advisory and technical support specific to the mandate and objectives of the Committee
- ❑ other responsibilities of the Heritage Vaughan Committee include:
 - researching, identifying, and evaluating properties deserving protection
 - advising property owners on appropriate conservation/maintenance practices
 - researching grants and funding opportunities for supporting and promoting heritage conservation and preservation
 - promoting community recognition for preservation, innovation, and adaptive reuse
- ❑ **PART IV Designation:** individual properties ← individual by-law and specific protection
- ❑ **PART V Designation:** properties within HCD ← general by-law and guidelines
- ❑ **PART IV LSHS:** listed properties of significance ← limited protection for demolition

