



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2011-115

A by-law to delegate the power to consent/grant heritage permits for the alteration of designated heritage properties

WHEREAS pursuant to subsection 33(15) and 33(16) of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, as amended ("*Ontario Heritage Act*"), the council of a municipality may by by-law delegate the power to consent to alterations to property designated under Part IV to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS pursuant to subsection 42(16) and 42(17) of the *Ontario Heritage Act*, the council of a municipality may by by-law delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS clause 23.2(1)(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Oakville has consulted with its municipal heritage committee;

COUNCIL ENACTS AS FOLLOWS:

1. The Council for the Corporation the Town of Oakville ("Council") hereby delegates to the Director of Planning Services ("Director"), or his or her designate, the power to:
 - (a) consent to the alteration of properties designated under Part IV of the *Ontario Heritage Act*, through the granting of heritage permits;
 - (b) grant heritage permits for the alteration of properties situated in a heritage conservation district designated under Part V of the *Ontario Heritage Act*, and

- (c) extend the timeline in which alterations proposed in a previously approved heritage permit can be undertaken if the applicant is not able to complete the works within the required timeline.
2. The delegated authority in section 1(a) and (b) is limited to the following alterations to properties designated, or situated within a designated heritage conservation district, under the *Ontario Heritage Act* that do not have a significant negative impact on any heritage features on the property or district:
- (a) exterior repainting of part or the whole of a building or structure;
 - (b) alterations to roofing material and colour;
 - (c) addition/removal of, or alterations to, permanent hard landscaping features, including but not limited to walkways, driveways, patios, planters, fences, gates, walls, trellises, arbours and gazebos;
 - (d) addition/removal of, or alterations to, signage;
 - (e) addition/removal of, or alterations to, exterior lighting;
 - (f) addition/removal of, or alterations to, basement windows and window wells;
 - (g) removal/replacement of, or alteration to, non-heritage features, including but not limited to doors, windows, trim, shutters, railings, stairs, porch flooring, columns, brackets, and decorative features;
 - (h) addition/removal of, or alterations to, detached single-storey accessory buildings under 15 square metres;
 - (i) minor revisions to previously approved heritage permits; and
 - (j) temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building or structure at risk of damage.
3. Notwithstanding section 1 of this By-law, Council shall retain all powers and authority under the *Ontario Heritage Act* where the Director refers an application to Heritage Oakville and Council.
4. In exercising the delegated authority in section 1, the Director may:
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- (a) grant a heritage permit for an application to alter a designated heritage property or a property situated within a designated heritage conservation district; or
 - (b) grant a heritage permit for an application to alter a designated heritage property or a property situated within a designated heritage conservation district, on any terms and/or conditions; or
 - (c) refer an application to alter a designated heritage property or a property situated within a designated heritage conservation district to Heritage Oakville and Council.
5. Regardless of any authority delegated to the Director under this By-law, Council may, after notifying the Director, exercise any authority that is delegated to the Director.
6. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PASSED this 12th day of December, 2011.

Rob Burton

MAYOR

Vicki Tytaneck

A/CLERK