



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 278-2014

A By-law to delegate certain powers and duties under the *Ontario Heritage Act* to facilitate alteration of properties designated under Part IV and Part V of the Act and to amend the Delegation of Authority By-law 191-2011, as amended.

WHEREAS pursuant to subsections 33(1) and 33(4) of the *Ontario Heritage Act*, the Council is authorized to make decisions in respect of the consent to alteration of property designated under Part IV of the Act;

AND WHEREAS pursuant to subsections 42(1) and 42(4) of the *Ontario Heritage Act*, the Council is authorized to make decisions in respect of granting permits for alteration of property designated under Part V of the Act;

AND WHEREAS pursuant, to subsections 33(15) and 42(16) of the *Ontario Heritage Act*, the Council may, by by-law, delegate the power to consent to alterations to property designated under Part IV of the Act, and its power to grant permits for the alteration of property designated under Part V of the Act, to an employee or official of the municipality after consulting with the municipal heritage committee prior to the delegation of such power;

AND WHEREAS pursuant to subsections 33(16) and 42(17) of the *Ontario Heritage Act*, a by-law that delegated Council's power to consent to alterations to property designated under Part IV of the Act to an employee or official of the City of Brampton may delegate the power with respect to all or such classes of alterations as may be described in the by-law;

AND WHEREAS, in accordance with the *Ontario Heritage Act*, subsections 33(15) and 42(16) the Brampton Heritage Board was consulted on such delegation on July 15th, 2014;

AND WHEREAS pursuant to subsections 33(4) and 42(4) of the *Ontario Heritage Act*, the Council is required to give its decision within 90 days after the notice of receipt of an application is served on the applicant, if a longer period is not agreed upon;

AND WHEREAS Delegation of Authority By-law 191-2011 consolidates delegations of authority under various City By-laws;

AND WHEREAS it is desired to provide for consents and permits for alteration of property designated under the *Ontario Heritage Act* where the Council's schedule of regular meetings during the summer and during the municipal election may


prevent a decision being given within the 90 day period, in emergency circumstances and for certain classes of minor alterations;

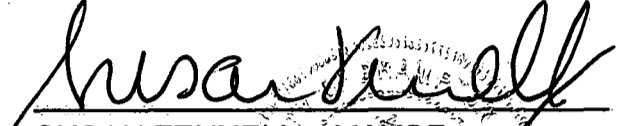

NOW THEREFORE the Council of The Corporation of the City of Brampton **HEREBY ENACTS AS FOLLOWS:**

1. That the Chief Planning and Infrastructure Services Officer be authorized to consent to alterations to property designated under Part IV of the *Ontario Heritage Act* and to attach terms and conditions as may be considered necessary, and to grant permits for the alteration of property designated under Part V of the *Act*:
 - a) when at the time an application is made, regular Council meetings are not scheduled AND the 90 day period will expire before the next available Council meeting;
 - b) for emergency applications as described in Schedule A;
 - c) for minor alterations as described in Schedule A, to property designated under Part IV of the *Ontario Heritage Act*, provided that an alteration likely to affect a heritage attribute and that is not identified in Schedule A, or an alteration identified by heritage staff as a significant alteration, shall not be considered a minor alteration; and
 - d) for minor interior alterations to a private residential property designated under Part IV of the *Ontario Heritage Act*.
2. THAT all decisions made by the Chief Planning and Infrastructure Services Officer pursuant to Section 1 of this By-law, shall be reported to the Brampton Heritage Board and the Council at the earliest opportunity for information purposes.
3. That the Chief Planning and Infrastructure Services Officer is authorized to undertake all acts necessary to exercise the authority hereby delegated, including executing any documents necessary to give effect thereto.
4. The Delegation of Authority By-law 191-2011, as amended, is hereby further amended by adding the following section to Schedule "A" of the By-law:
 - 10.6 a) The power to consent to alterations to property designated under Part IV that may be delegated to an employee or official of the municipality under s.33(15) of the *Ontario Heritage Act* is delegated to the Chief Planning and Infrastructures Officer, for applications where Council has no scheduled meeting before expiration of 90 days from receipt, emergency applications, applications for minor interior alterations to a property's heritage attributes, and applications for interior alterations in private residences.
 - b) The power to grant permits for the alteration of property designated under Part V that may be delegated to an employee or official of the municipality under s.42 (16) of the *Ontario Heritage Act*, is delegated to the Chief Planning and Infrastructure Services Officer, for applications

where Council has no scheduled meeting before expiration of 90 days from receipt, and emergency applications.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL, this 10TH day of September, 2014.

APPROVED as to Form:

Legal Services
28 Aug 14


SUSAN FENNELL - MAYOR

PETER FAY - CITY CLERK

Approved as to Content:


Heather MacDonald, MCIP, RPP
Director, Planning Policy & Growth Management

SCHEDULE A**Circumstances under which Delegated Authority may be Exercised**

1. During periods when regular meetings of the Brampton Heritage Board and/or Brampton City Council, are not scheduled (e.g., summer or end-of-calendar year recesses, as well as after nomination day in the year of a municipal election), resulting in the completed application not being able to be heard by Council before expiry of the 90 day period.
2. Emergency applications may be approved where a catastrophic event has damaged a heritage resource and the property requires immediate attention or risk further damage, or if there is an immediate health and safety concern. Applications should be submitted no later than one week after the event.

An emergency application does not include applications to expedite a process in non-emergency circumstances or untimely applications. Consents and permits may be granted for emergency applications in circumstances which include but are not limited to:

- Window or roof damage through windstorm or hail;
 - Fire damage; and,
 - Flood damage.
3. For minor alterations which may include the following:
 - a) Alterations to permitted non-heritage additions or outbuildings; such as changes to garages, or existing modern additions;
 - b) Replacement of existing siding, roofs, or other existing non-heritage attributes;
 - c) Cleaning and re-pointing of masonry over an area not over 10% total;
 - d) Painting masonry where masonry has already been previously painted;
 - e) Removal of, or alterations to, signage within the sign's current configuration and building coverage;
 - f) Replacement of exterior lights with a similar style and brightness;
 - g) Repair of existing features, including wall cladding or siding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, soffit and fascia, porches and steps, entrances, foundations, and decorative wood, metal, stone or brick, provided that the same or historically accurate types of materials are used with details replicating the original, and the repairs relate to small amounts of decay or damage, for example less than 10% of the surface area of the element being repaired;
 - h) Installation of mechanical and electrical equipment, and vent stacks and exhaust pipes that penetrate the building envelope, are not visible from the street and are carried out in a manner that does not alter the property's heritage attributes;
 - i) Repair of sidewalks and driveways;
 - j) The erection of stand-alone accessory buildings and structures that are no larger than 10 square metres (108 square feet) and are located in the rear yard;
 - k) Revisions or amendments to previously approved heritage permits only if the proposed alterations involve work for items included in the delegated authority.
 4. Where a property is designated under Part IV of the Ontario Heritage Act, and has interior heritage attributes included in the designation by-law and is currently used as a private residence.