

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5365-11

BEING A BY-LAW to delegate certain assigned Council authority under the Ontario Heritage Act regarding the power to consent to alterations of designated heritage properties.

WHEREAS the Official Plan for The Corporation of the Town of Aurora (the "Town") supports the use of available legislation, particularly the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, (the "Heritage Act") to achieve heritage preservation;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Municipal Act"), authorizes a municipality to delegate its powers and duties under the Municipal Act or any other legislation to a person or body; subject to the restrictions set out in Part II of the Municipal Act, and this by-law is being made in accordance with Part II of the Municipal Act;

AND WHEREAS, pursuant to subsections 33(1) and 33(4) of the Heritage Act, the Council of the Town is authorized to make decisions in respect to the consent of alterations to designated heritage properties under Part IV of the Heritage Act;

AND WHEREAS, pursuant to subsection 33(15) of the Heritage Act, the Council of the Town may by by-law delegate the power to consent to alterations to property designated under Part IV of the Heritage Act to an employee or official of the Town after having consulted with the Town's Heritage Advisory Committee prior to the delegation of such power;

AND WHEREAS, pursuant to subsection 33(16) of the Heritage Act, a by-law that delegated Council's power to consent to alterations to property designated under Part IV of the Heritage Act to an employee or official of the Town may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law;

AND WHEREAS, pursuant to subsection 42(4) of the Heritage Act, the Council of the Town is authorized to make decisions for the granting of permits for the alteration of a property within a heritage conservation district under Part V of the Heritage Act;

AND WHEREAS, pursuant to subsection 42(16) of the Heritage Act, the Council of the Town may by by-law delegate the power to grant permits for the alteration of property within a heritage conservation district under Part V of the Heritage Act to an employee or official of the Town after having consulted with the Town's Heritage Advisory Committee prior to the delegation of such power;

AND WHEREAS, pursuant to subsection 42(17) of the Heritage Act, a by-law that delegated Council's power to grant permits for the alteration of property within a heritage conservation district under Part V of the Heritage Act to an employee or official of the Town may specify the alterations or classes of alterations for which delegated authority is being granted in the by-law;

AND WHEREAS, pursuant of subsections 33(15) and 42(16) of the Heritage Act, the Council of the Town consulted with the Town's Heritage Advisory Committee on September 12, 2011;

AND WHEREAS the Council of the Town now deems it necessary and expedient to enact a by-law to delegate certain assigned Council authority under the Heritage Act to an employee of the Town regarding the power to consent to alterations of heritage properties;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. THAT the Council of the Town hereby delegates to the Manager of Heritage Planning and Urban Design (the "Manager"), the following authority with respect to properties that are individually designated as a heritage property pursuant to Part IV of the Heritage Act:
 - (a) to receive and issue notices of receipt for Heritage Permit Applications that are received by the Town pursuant to sections 33 and 34 of the Heritage Act; and
 - (b) to approve or refuse Heritage Permit Applications relating to minor alterations to a property, including the authority to attach terms and conditions.
2. THAT the Council of the Town hereby delegates to the Manager the following authority with respect to properties that are located within a heritage conservation district(s) pursuant to Part V of the Heritage Act:
 - (a) to receive and issue notices of receipt for Heritage Permit Applications that are received by the Town pursuant to section 42 of the Heritage Act; and
 - (b) to approve or refuse Heritage Permit Applications relating to minor alterations to a property, including the authority to attach terms and conditions.
3. THAT the definition of "minor alteration(s)" in this By-law shall mean:
 - (a) replacement of siding;
 - (b) cleaning or re-pointing of masonry;
 - (c) replacement of windows or doors;
 - (d) replacement/removal of minor architectural building elements including, without limiting the generality of the foregoing, shutters, door trims/frames, window trims/frames, soffits, and fascias;
 - (e) structural repairs to existing structures and structural elements including, without limiting the generality of the foregoing, porches, chimneys, roofs, and exterior walls;
 - (f) repairs and replacement of non-heritage structures on the property which can be seen from the street including, without limiting the generality of the foregoing, fences, patios, gardens, sheds, and gazebos; and
 - (g) installation, replacement, or removal of commercial signage.
4. THAT, notwithstanding section 3 of this By-law, any alteration to a heritage attribute that is identified in a by-law pursuant to Part IV of the Heritage Act shall not be considered a "minor alteration" and is therefore excluded from any delegated authority in this By-law.

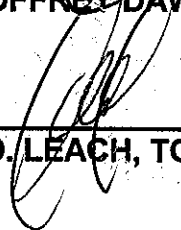
5. THAT, notwithstanding the authority given to the Manager pursuant to sections 1 and 2 of this By-law, the Manager may forward minor alteration requests made in a Heritage Permit Application to the Town's Heritage Advisory Committee for review.
6. THAT all decisions made by the Manager pursuant to delegated powers in sections 1 and 2 of this By-law shall be reported to the Town's Heritage Advisory Committee at the earliest available opportunity for information purposes.
7. THAT the Manager is authorized to approve the application for, and order the creation of, interpretive wood plaques for heritage properties as part of the Heritage Advisory Committee education initiative.
8. THAT the Manager is authorized to undertake all acts necessary on behalf of the Town to carry out the authority vested in the Manager pursuant to this By-law, including executing any documents or agreements as required.
9. THAT the Director of Planning & Development Services may exercise all the rights, powers, and authority of the Manager as delegated in this By-law if the Manager is absent or if the position is vacant.
10. THAT the provisions of this By-law shall come into full force and effect on the date of final passage hereof.

READ A FIRST AND SECOND TIME THIS 22nd DAY OF NOVEMBER, 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF NOVEMBER, 2011.



GEOFFREY DAWE, MAYOR



JOHN D. LEACH, TOWN CLERK

Approved as to Form
By Legal Services
Signature Walter Ma
Date: November 14, 2011