



APPENDIX
A

BY-LAW 2007-

A By-law to delegate certain assigned council authority under the Ontario Heritage Act for the power to consent to the alteration of designated property

WHEREAS pursuant to subsection 33(1) and 33(4) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended (hereinafter referred to as "the Ontario Heritage Act"), the Council of The Corporation of the Town of Markham is authorized to make decisions in respect to the consent of alterations to designated heritage property under Part IV of the Ontario Heritage Act;

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

AND WHEREAS pursuant to subsection 33(15) of the 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) 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 pursuant to subsections 33(15) and 42(16) of the Ontario Heritage Act, the Council of The Corporation of the Town of Markham consulted with Heritage Markham, its municipal heritage committee on April 11, 2007;

AND WHEREAS subsection 39(1) of the Ontario Heritage Act permits a municipality to provide for grants to owners of designated properties for the purpose of paying for the whole or any part of the cost of alterations to designated properties;

AND WHEREAS the Council of The Corporation of the Town of Markham has established the Commercial Signage Replacement Grant Program;

AND WHEREAS section 23.1 of the Municipal Act authorizes a council to delegate its powers or duties to a person or body;

AND WHEREAS the Council of The Corporation of the Town of Markham is desirous of streamlining the approval process for grants pursuant to the Town of Markham Commercial Signage Replacement Grant Program;

NOW THEREFORE the Council of the Corporation of the Town of Markham hereby enacts as follows:

1. That the Council hereby delegates to the Manager, Heritage Planning, or his or her designate, all power, save and except the power to refuse an application, respecting the granting of consents and approvals which was

assigned to Council under section 33 and section 42(4) of the Ontario Heritage Act, including the authority to attach terms and conditions.

2. That the Manager, Heritage Planning may forward alteration requests to the municipal heritage committee for review. All decisions made by the Manager, Heritage Planning pursuant to delegated powers in Section 1 shall be reported the municipal heritage committee for information purposes.
3. That the Manager, Heritage Planning, or his or her designate, is authorized and delegated to approve the issuance of grants pursuant to the Town of Markham Signage Replacement Grant Program upon being satisfied that the eligibility criteria and other requirements established by Council have been met for an application, and that funding is available and approved by Council.
4. That the Manager, Heritage Planning, or his or her designate, is authorized to undertake all acts necessary to carry out the authority vested in the Manager, Heritage Planning pursuant to this By-law, including affixing his/her signature as required to any documents.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF _____, 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTI, MAYOR

APPENDIX B

Extracts from the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (as amended)

Section 33 – Alteration of Property (*Individual*)

Delegation of council's consent

(15) The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power. 2005, c.6, s.21 (3).

Scope of delegation

(16) A by-law that delegates the council's power to consent to alterations to a municipal employee or official may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law. 2005, c.6, s.21 (3).

Section 42 - Erection, demolition, etc. (*heritage conservation district*)

Delegation

(16) The council of a municipality may delegate by by-law its power to grant permits for the alteration of property situated in a heritage conservation district designated under this Part to an employee or official of the municipality if the council has established a municipal heritage committee and consulted with it before the delegation. 2005, c.6, s.32 (6).

Same

(17) A by-law under subsection (16) may specify the alterations or classes of alterations in respect of which power to grant permits is delegated to the employee or official of the municipality. 2005, c.6, s.32 (6)