



2ND SESSION, 37TH LEGISLATURE, ONTARIO  
50 ELIZABETH II, 2001

# Bill Pr20

## An Act respecting the City of Toronto

**Mrs. Mushinski**

**Private Bill**

1st Reading     June 19, 2001

2nd Reading

3rd Reading

Royal Assent

Printed by the Legislative Assembly of Ontario



#### **EXPLANATORY NOTE**

The purpose of the Bill is set out in the Preamble.

## An Act respecting the City of Toronto

### **Preamble**

The council of the City of Toronto (“city council”) has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

#### **Definitions**

**1. In this Act,**

“building permit” means a building permit issued under section 8 of the *Building Code Act, 1992*;

“designated property” means designated property as defined in section 26 of the *Ontario Heritage Act*;

“heritage conservation district” means an area designated as a heritage conservation district under section 41 of the *Ontario Heritage Act*;

“owner” means, with respect to property, the person registered on title in the proper land registry office as owner.

### APPLICATION TO DEMOLISH, ETC., ON DESIGNATED PROPERTIES

#### **Application to demolish, etc., on designated properties**

**2. (1)** City council may refuse an application made under subsection 34 (1) of the *Ontario Heritage Act* to demolish or remove a building or structure on a designated property and may prohibit any work being done to demolish or remove the building or structure, and may do so despite section 34 of the *Ontario Heritage Act*.

#### **Notice of decision**

**(2)** Within 90 days after receiving a completed application or within such longer period as the applicant and city council may agree upon, city council shall,

- (a) give notice of its decision under subsection (1) to the owner and to the Ontario Heritage Foundation; and
- (b) publish its decision in a newspaper having general circulation in the municipality.

#### **Deemed consent**

**(3)** If city council does not give the owner notice of its decision in accordance with subsection (2), city council shall be deemed to have consented to the application.

#### **Requirements for demolition**

**(4)** If city council refuses the application, the owner shall not demolish or remove the building or structure or do any work or permit any work to be done to demolish or remove it unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council’s decision under subsection (1) to refuse the application.

#### **Same, transition**

**(5)** If, before this Act comes into force, city council has refused an application under subsection 34 (1) of the *Ontario Heritage Act* and has prohibited any work to be done to demolish or remove any building or structure on a property for the period of time specified under clause 34 (2) (b) of that Act, the owner of the property shall not do any work or permit any work to be done after this Act comes into force to demolish or remove the building or structure unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council’s decision under clause 34 (2) (b) of that Act to refuse the application.

#### **Same, work has commenced**

**(6)** Subsection (5) applies even if work has begun on the demolition or removal of a building or structure before this Act comes into force.

#### **Same**

**(7)** Subsections (4), (5) and (6) apply despite subsection 34 (4) of the *Ontario Heritage Act*.

#### **Requirement re new building**

**(8)** An owner who demolishes or removes a building or structure under the authority of subsection (4) or (5) or who permits it to be demolished or removed under that authority shall substantially complete the required new building on the site within two years after the demolition or removal has begun.

**APPLICATION TO DEMOLISH, ETC.,  
IN HERITAGE CONSERVATION DISTRICTS**

**Application to demolish, etc., in heritage conservation districts**

**3.** (1) City council may refuse an application made under section 43 of the *Ontario Heritage Act* to demolish or remove a building or structure within a heritage conservation district and may prohibit any work from being done to demolish or remove the building or structure, and may do so despite sections 42 and 43 and subsection 44 (2) of the *Ontario Heritage Act*.

**Notice of decision**

(2) Within 90 days after receiving the completed application or within such longer period as the applicant and city council may agree upon, city council shall give notice of its decision under subsection (1) to the owner.

**Deemed consent**

(3) If city council does not give the owner notice of its decision in accordance with subsection (2), city council shall be deemed to have consented to the application.

**Requirements for demolition**

(4) If city council refuses the application, no person shall demolish or remove the building or structure or do any work or permit any work to be done to demolish or remove it unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of the decision of city council under subsection (1) to refuse the application.

**Same,  
transition**

(5) If, before this Act comes into force, city council has refused an application under subsection 43 (2) of the *Ontario Heritage Act*, no person shall do any work or cause any work to be done after this Act comes into force to demolish or remove the building or structure unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council's decision under subsection 43 (2) of that Act to refuse the application.

**Same,  
work has commenced**

(6) Subsection (5) applies even if work has begun on the demolition or removal of a building or structure before this Act comes into force.

**Same**

(7) Subsections (4), (5) and (6) apply despite section 42 and subsection 44 (2) of the *Ontario Heritage Act*.

**Requirement re new building**

(8) A person who demolishes or removes a building or structure under the authority of subsection (4) or (5) or permits it to be demolished or removed under that authority shall substantially complete the required new building on the site within two years after the demolition or removal has begun.

**APPLICATIONS RESPECTING  
THE CONSTRUCTION OF NEW BUILDINGS**

**Application for relief re new building**

**4.** (1) If, under subsection 2 (8) or 3 (8), a person is required to substantially complete a new building within two years after beginning the demolition or removal of a building or structure, the person may apply to city council for relief from that requirement,

- (a) if the applicant considers that it is not possible to complete the new building within the two-year period; or
- (b) if the applicant considers that it is no longer feasible to construct the new building because of economic or other grounds.

**Notice to the City Clerk**

(2) The applicant shall give notice of the application under subsection (1) to the City Clerk by registered mail sent not less than 45 days before the expiry of the two-year period within which the new building is otherwise required to be substantially completed.

**Power of city council**

(3) Upon receiving the application, city council may extend the time for substantially completing the new building or relieve the applicant from the requirement to construct it.

**Duty of applicant**

(4) If city council extends the time for substantially completing the new building, the applicant shall substantially complete it within the extended time.

**Application for further relief**

(5) If city council extends the time for substantially completing the new building, the applicant may apply to city council for further relief from the requirement to substantially complete the new building within the extended time,

- (a) if the applicant considers that it is not possible to substantially complete the new building within that time; or
- (b) if the applicant considers that it is no longer feasible to construct the new building because of economic or other grounds.

**Notice to the City Clerk**

(6) The applicant shall give notice of the application under subsection (5) for further relief to the City Clerk by registered mail sent not less than 90 days before the expiry of the extended time for substantially completing the new building.

**Powers and duties**

(7) Subsections (3) and (4) apply, with necessary modifications, with respect to the application under subsection (5).

**Application to O.M.B.**

**5.** (1) Any person who has made an application under section 4 may appeal to the Ontario Municipal Board,

- (a) from the decision of city council under that section; or
- (b) from the refusal or neglect of council to make a decision under that section within 30 days after the City Clerk received notice of the application.

**Same**

(2) Notice of the appeal must be filed with the Board within 20 days after city council mails notice of its decision on the application or within 20 days after the expiry of the 30-day period described in clause (1) (b).

**Powers of the Board**

(3) The Board shall hear the appeal and, on the appeal, the Board has the same powers as city council has under section 4.

**Effect of decision**

- (4) The decision of the Board is final.

**Extension of time**

(5) If an appeal is filed in accordance with subsection (2), the period within which the new building is to be substantially completed shall be deemed to be extended to the date of the Board's decision.

**Dismissal of appeal**

(6) If the Board dismisses an appeal from a decision of city council, the Board may extend the time for substantially completing the new building for such further period as the Board considers reasonable and the decision of the Board is final.

**Effect of extension**

(7) If the Board has extended the time for substantial completion of the new building, the applicant shall substantially complete the new building within the extended time.

**OFFENCES AND PENALTIES****Offence, false information, etc.**

**6.** (1) Every person who knowingly furnishes false information in an application under this Act is guilty of an offence.

**Same, directors and officers**

(2) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) is guilty of an offence.

**Penalty**

(3) Subject to subsection (4), a person convicted of an offence under subsection (1) or (2) is liable to a fine of

not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

**Penalty, corporation**

(4) If a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$50,000 and not as provided in subsection (3).

**Offence, demolition, etc.**

**7.** (1) Every person who, on designated property or within a heritage conservation district, demolishes or removes all or part of any building or structure or who does any work or permits any work to be done to demolish or remove all or part of any building or structure without that person first obtaining the consent of city council is guilty of an offence.

**Same,  
officers and directors**

(2) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) is guilty of an offence.

**Penalty**

(3) A person convicted of an offence under subsection (1) or (2) is liable to a fine of not more than \$1 million or to imprisonment for a term of not more than one year, or to both.

**Offence, designated property**

**8.** (1) Every owner who contravenes subsection 2 (4) or (5) is guilty of an offence.

**Same**

(2) Every owner who has a duty under subsection 2 (8) to construct a new building and who fails to substantially complete the new building within the required two-year time period or within the time period as extended under subsection 4 (3) or section 5 is guilty of an offence.

**Same,  
directors and officers**

(3) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) or (2) is guilty of an offence.

**Penalty**

(4) A person convicted of an offence under subsection (1), (2) or (3) is liable to a fine of not more than \$1 million or to imprisonment for a term of not more than one year, or to both.

**Offence, heritage conservation district**

**9.** (1) Every person who contravenes subsection 3 (4) or (5) is guilty of an offence.

**Same**

(2) Every person who has a duty under subsection 3 (8) to construct a new building and who fails to substantially complete the new building within the required two-year time period or within the time period extended under subsection 4 (3) or section 5 is guilty of an offence.

**Same,  
directors and officers**

(3) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) or (2) is guilty of an offence.

**Penalty**

(4) A person convicted of an offence under subsection (1), (2) or (3) is liable to a fine of not more than \$1 million or to imprisonment for a term of not more than one year, or to both.

**GENERAL****Method of giving notice**

**10.** (1) Any notice required to be given under this Act is sufficiently given if it is delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made at that person's last known address.

**Notice given by mail**

(2) If notice is given by mail, it shall be deemed to be given on the seventh day after the day of mailing unless the person to whom the notice is being given establishes that the notice was not received until a later date through absence, accident, illness or other cause beyond that person's control.

**Publication**

(3) Any notice required to be published in a newspaper having general circulation in the municipality must be published in that newspaper once for each of three consecutive weeks.

**Repeals****11. (1) The following Acts are repealed:**

1. *City of Toronto Act, 1987 (No. 2).*
2. *City of Scarborough Act, 1996.*

**Transition**

(2) For the purposes of sections 2, 3, 4 and 5, an application or decision made under the *City of Toronto Act, 1987 (No. 2)* or the *City of Scarborough Act, 1996* shall be deemed, when this Act receives Royal Assent, to have been made under this Act.

**Commencement**

**12. This Act comes into force on the day it receives Royal Assent.**

**Short title**

**13. The short title of this Act is the *City of Toronto Act (Heritage Properties), 2001.***