

# City of Mississauga

## Corporate Report



<p>Date: February 24, 2020</p> <p>To: Mayor and Members of Council</p> <p>From: Paul Mitcham, P.Eng, MBA, Commissioner of Community Services</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: April 1, 2020</p>
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## Subject

**Proposed Amendment to Notice By-law 215-08**

## Recommendation

That a by-law be enacted to amend the City's Notice By-Law 215-08, as amended, as per the Corporate Report dated February 24, 2020, from the Commissioner of Community Services, entitled "Proposed Amendment to (Heritage) Notice By-Law 251-08".

## Background

Section 270(1)(4) of the *Municipal Act, 2001* provides that a municipality shall adopt policies with respect to the circumstances where the municipality shall provide public notice and, if notice is to be provided, the form, manner and times notices shall be given.

The City enacted Notice By-law 215-08, as amended by By-law 140-13, which establishes how notice will be provided including the form, manner and times notice shall be given including circumstances where notice may be posted on the City's website. The Notice By-law currently only addresses alternative forms of notice for matters addressed by the *Municipal Act, 2001*.

Sections 26(4) and 39.1(3) of the *Ontario Heritage Act* provide that where a municipality is required to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act, 2001* is deemed to satisfy the requirement under Parts IV and V, respectively, of the *Ontario Heritage Act* to publish notice in a newspaper.

The *Ontario Heritage Act* currently requires that public notice be given for:

- Intent to designate property under Part IV of the *Ontario Heritage Act* and withdraw of said intent;

Council	2020/02/24	2
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- By-law, including amending and repealing by-law, for property designated under Part IV of the *Ontario Heritage Act*;
- Hearings related to notice of intent to designate, repeal of designation by-law and alteration of property, under Part IV of the *Ontario Heritage Act*, if necessary;
- Decision regarding the demolition or removal of a structure or building on property designated under Part IV of the *Ontario Heritage Act*;
- By-law designating study area or area under Part V of the *Ontario Heritage Act*, including adoption of heritage conservation district plan.

## Comments

The Provincial government amended the *Ontario Heritage Act* in 2019 through Bill 108; the amendments are expected to be in force July 1, 2020. They include public notification of applications to repeal a heritage designation by-law. More significantly, Bill 108 narrows the definition of “alter” to clarify that demolition or removal includes the demolition or removal of heritage attributes.

As mentioned above, in “Background,” decisions regarding demolition or removal under Part IV of the *Ontario Heritage Act* require notification to be published in a newspaper having general circulation in the municipality. Alterations do not require such notice. As such, the definition change will result in the need for additional newspaper notices.

Mississauga News notices cost \$1400 (excluding HST) each. As the City processes approximately 10 heritage permits per year for property designated under Part IV of the *Ontario Heritage Act*, depending on the scope of the proposals, the definition change may result in an added cost of approximately \$14,000 per year. In addition to this, the City currently posts other *Ontario Heritage Act* notices in the Mississauga News on average two times per year. As such, the costs would rise from approximately \$2,800 to \$16,800.

The City has been publishing public notices for certain Council decisions on its website as provided by the Notice By-law since the Notice By-law was amended in 2013. The public has become accustomed to consulting the City’s website for public notices.

Where a municipality or the Clerk of a municipality is required to provide notice to an owner of an affected property and to the Ontario Heritage Trust, the Clerk will continue to provide such notice to the owner and the Ontario Heritage Trust as required by the *Ontario Heritage Act* in addition to publishing notices on the City’s website.

To mitigate the additional costs resulting from the changes proposed by Bill 108, as well as the existing notification costs and to improve efficiencies, the City’s Notice By-law 215-08 should be amended to allow for *Ontario Heritage Act* notices to be posted on the City’s website rather than in a newspaper having general circulation in the municipality. The notices shall comply in all other respects with the requirements of the *Ontario Heritage Act*. The proposed changes are attached as Appendix 1. Schedule B, attached to Appendix 1, encompasses the changes to Bill

108 relating to public notification of applications to repeal a heritage designation by-law and notice requirements from the change in the definition of “alter.” If approved, a final newspaper notice would be posted to advise the public of the new manner in which notices are given.

## Financial Impact

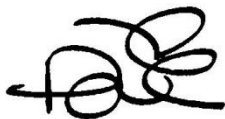
There are no financial impacts resulting from the recommendation in this report. The proposed amendment may result in cost avoidance of approximately \$16,800 per year.

## Conclusion

Public notices of other Council decisions have been posted on the City’s website since 2013 and the public is accustomed to consulting the City’s website for public notices. To improve efficiencies and to save the City the cost of publishing newspaper notices, the City’s Notice By-law should be amended to include that the notices required under the *Ontario Heritage Act* be posted on the City’s website rather than in a newspaper. Affected property owners and the Ontario Heritage Trust will continue to be notified individually as required under the *Ontario Heritage Act*.

## Attachments

Appendix1: Proposed amending By-law to Notice By-law



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Paul Mitcham, P.Eng, MBA, Commissioner of Community Services

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