



CONSOLIDATED VERSION OF BY-LAW WITH AMENDMENTS

By-law 2023-20

Amendments

By-law 2023-142

A By-Law to Establish Procedures For Processing Permit Applications under the Ontario Heritage Act

WHEREAS pursuant to subsection 33(1) and 33(6) of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended (hereinafter referred to as the “Act”), the Council of The Corporation of the City of Markham (hereinafter referred to as the “Council”) is authorized to make decisions in respect to the consent of alterations to individually designated heritage property under Part IV of the Act;

AND WHEREAS pursuant to subsection 34(1) and 34(4.2) of the Act, the Council is authorized to make decisions in respect to the demolition or removal of individually designated heritage property under Part IV of the Act;

AND WHEREAS pursuant to subsection 42(1) and 42(4) of the Act, the Council is authorized to make decisions for the granting of permits for the alteration of property, and for the erection, demolition or removal of any building or structure on property within a heritage conservation district under Part V of the Act;

AND WHEREAS pursuant to subsection 33(15) and 42 (16) of the Act, the Council has by By-law 2007-67 delegated to an employee or official of the municipality, the power to consent to alterations to property designated under Part IV and the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V;

AND WHEREAS the Council is desirous to further clarify and establish procedures for processing and administering permit applications under the Act;

NOW THEREFORE the Council of the Corporation of the City of Markham ENACTS as follows:

Part I – Short Title

1. This By-law may be referred to as the ‘Procedural By-law for Heritage Permits’.

Part II - Definitions

2. For purposes of this By-law, words shall have the following meaning:

“Act” means the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended from time to time;

“Alter” means to change in any manner and includes to erect, restore, renovate, repair or disturb and “alteration” has a corresponding meaning;

“Building” means a permanent or temporary enclosed structure with exterior walls and a roof, and including all attached equipment and fixtures that cannot be removed without cutting into roof or ceiling, floors, or walls.;

“City” means the Corporation of the City of Markham;

“Council” means the municipal Council of the City of Markham;

“Committee” means the Heritage Markham Committee;

“Demolish” means to do anything in the removal of a building or structure or any substantial part thereof and “demolition” has a corresponding meaning;

“Designated Heritage Property” means all property designated under Part IV or Part V of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, and includes property in a heritage conservation district that is not identified as possessing cultural heritage value or interest;

“Designation By-Law” means a By-law enacted by City Council pursuant to Section 29 or Section 41 of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, that identifies property and/or a defined area or areas to be of cultural heritage value or interest;

“Director” means the Director of Planning and Urban Design or the successor department to which the work is administratively assigned or his/her designate;

“Heritage Attributes” shall have the meaning set out in the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, and Ontario Regulation 9/06, and for greater certainty means:

- a) in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and that are defined, described or that can be reasonably inferred:
 - i) in a By-law designating a property passed under Section 29 of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, and identified as heritage attributes, values, reasons for designation or otherwise;

- ii) in a Minister's order made under Section 34.5 of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, and identified as heritage attributes, values, reasons for designation or otherwise;
- iii) in a By-law designating a Heritage Conservation District and/or Heritage Conservation District Plan passed under Section 41 or 41.1 of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, and identified as heritage attributes, values, reasons for designation or otherwise; or
- iv) in the supporting documentation required for a By-law designating a Heritage Conservation District, including but not limited to a Heritage Conservation District Plan or Study, assessment or inventory, and as identified as heritage attributes, values, reasons for designation or otherwise;

b) the elements, features, or building components that support or protect the heritage attributes, without which the heritage attributes may not be conserved, including but not limited to roofs, walls, floors, retaining walls, foundations and structural systems;

"Heritage Conservation District" means a geographic district established under Part V of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended;

"Heritage Conservation District Plan" means a plan adopted by Council under Part V of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended to provide direction for the preservation and conservation of the heritage attributes of a Heritage Conservation District, and guidance regarding alterations and new construction and changes to both public and private properties;

"Information" means any information requested by the Manager, and includes plans, drawings, renderings, reports or any other documentation requested by the Manager;

"Maintenance" means routine, cyclical, non-destructive actions, necessary to slow the deterioration of Designated Heritage Property, including the following: periodical inspection, property cleanup; gardening and repair of landscape features including repair of fences; replacement of broken glass in windows, minor exterior repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design; repainting where colour has been previously approved; re-pointing areas of wall space under 1.5 square metres; caulking and weatherproofing; and any other work defined as maintenance in an individual Designation By-law, or in a Heritage Conservation District Plan;

"Manager" means the Manager, Heritage Planning or their delegate;

"Tribunal" means the Ontario Land Tribunal;

"Owner" means a person who is the registered owner of the real property for which an application has been submitted;

“*Permit*” means consent in writing or a heritage permit issued under the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended, for alteration or demolition which includes the Scope of Work and any terms and conditions;

“*Property*” means real property and includes all buildings and structures thereon;

“*Scope of Work*” means a form that identifies the project to be undertaken and any the parameters or terms and conditions of the Permit;

“*Structure*” means a permanent or temporary framework of identifiable elements (components, entities, framing, parts, steps, etc.) which gives form and stability, and resists stresses and strains, and includes but is not limited to: fences, walls, and gates, and freestanding structures, such as a windmill or a trellis.

Part III – No Application Required

3. An *Owner* of a *designated heritage property* does not require a *permit* for the following:
 - a. All interior work, except where specifically designated by a *designation by-law* or easement passed under the *Act*, or if the interior work impacts the exterior of the building;
 - b. *Minor alterations* as may be described in individual *heritage conservation district plans*;
 - c. Typical backyard features that are not readily visible from the public realm such as a patio, garden and tool shed, gazebo, dog house and other small outbuildings less than 10 square metres in size;
 - d. Landscaping which does not require heavy machinery, and which will not significantly change the appearance of the property;
 - e. *Maintenance* as defined in this by-law;
 - f. Installation of temporary works or exhibitions, including public art projects, which will be in place for a period of less than six (6) months; and
 - g. Seasonal displays which will be in place for a period of less than six (6) weeks;

Consultation with Heritage Section staff on the need for an application is recommended.

Part IV – Minor Heritage Permit Application and Process

4. A Minor Heritage Permit Application is required for small *alteration* projects such as those that generally comply with approved or accepted heritage policies and guidelines, and may include, but are not limited to:
 - a. Any type of minor project identified in a *heritage conservation district plan* as requiring a *Permit*;
 - b. New or replacement foundation treatment, wall cladding, windows/storm windows, doors/storm or screen doors, roofing materials, soffits, eaves trough, downspouts, exterior lighting;

- c. Painting (introducing a colour that is a historically-accurate or contextually-appropriate colour, or the same colour if not previously approved);
 - d. Masonry cleaning and repointing, or a new or replacement chimney;
 - c. New or replacement porch or veranda, including individual components such as posts, railings decorative features or stairs;
 - d. Introduction or removal of, and changes to architectural features or decorative elements;
 - e. Installation of dormers, skylights, awnings or shutters;
 - f. Installation of vents or exhaust pipes which penetrate the building envelope, satellite dishes, meters, utility boxes, air conditioning units and other mechanical or electrical equipment that can be viewed from the public realm or impact a *heritage attribute*;
 - g. Major landscaping *alterations* including installation of front yard walkways, ramps, patios or lamp posts, grade changes, new fencing anywhere on the property and rear yard swimming pools/racket courts/recreational sports pads;
 - h. New or increased vehicular parking areas;
 - i. Planting or removal of trees (incorporated as part of Tree Removal Permit approval process);
 - j. Public realm projects such as public information signage, wayfinding, interpretive panels, planting or removal of trees, and above ground public works;
 - k. New commercial signage (incorporated as part of a Sign Permit approval process);
 - l. Revisions or amendments to previously approved *permits*; and
 - m. Extensions to the one (1) year time limit to complete the *Permit's scope of work* in accordance with the provisions of clause 25. j. of this By-law.
5. An *Owner* proposing to *alter a designated heritage property* as per Clause 4 shall submit an application for a Minor Heritage Permit to the *City* on a form prescribed by the *Manager* and shall supply the information prescribed in Schedule 'A' of this by-law in order to assess the application.
 6. An application shall be deemed complete upon receipt of all information as required in Schedule 'A' and as may be requested by the *Manager* and notice to this effect shall be given to the applicant as provided for under the *Act*.
 7. An application shall be reviewed by *City* staff to ensure compliance with *City* policies and guidelines. An application may be forwarded to the *Committee* for review at the discretion of the *Manager* in situations such as where there is no *City* policy to address the proposed work or where the *City* policy is unclear, where there may be some local sensitivity or where the *Committee* has specifically asked to see the application.
 8. The *Permit* may be approved with or without terms and conditions. If terms or conditions are attached to the approval or the *Permit* is refused, the *Owner* of the *property* may appeal the decision to the *Tribunal*.

9. Where there is a recommendation to refuse an application, *Council* will be the final decision maker. Staff will provide *Council* with a recommendation from the *Committee*, recommendation from Development Services Committee, and a staff report.

Part V - Major Heritage Permit Applications and Process

10. A Major Heritage Permit Application is required for more substantial *alteration* projects which do not include the type of projects identified in Clause 4, and may include, but are not limited to:
 - a. New Residential Dwelling Units in heritage conservation districts such as detached, semi-detached, other forms of low rise units, multiplex buildings up to 10 units, townhouse, and coach house;
 - b. Residential Additions/*Alterations*/ Accessory Buildings on a *designated heritage property*;
 - c. New construction, additions or *alterations* on residential *designated heritage property* involving more than ten dwelling units or non-residential *designated heritage property*, where the *Permit* requirements, including any terms and conditions, are not included in a Planning Act approval or agreement, such as a Site Plan Agreement;
 - d. Relocation of a Heritage Building including additions, *alterations*, accessory buildings, site layout and landscaping on a *designated heritage property* as per Schedule 'D'; (By-law 2023-142)
 - e. Retention of a Heritage Building including additions, *alterations*, accessory buildings, site layout and landscaping on a *designated heritage property* as part of a new development or on a new lot or block within a plan of subdivision as per Schedule 'E'. (By-law 2023-142)
11. An *Owner* proposing to *alter* a *designated heritage property* as per Clause 10 shall submit an application for a Major Heritage Permit to the *City* on a form prescribed by the *Manager* and shall supply the information prescribed in Schedule 'B' of this by-law in order to assess the application. A Pre-application meeting with staff is required for these types of major projects prior to application submission. The meeting may be waived at the discretion of the *Manager*.
12. An application shall be deemed complete upon receipt of all information as required in Schedule 'B' and as may be requested by the *Manager*, and notice to this effect shall be given to the applicant as provided for under the *Act*.
13. An application shall be circulated and reviewed by those internal staff which have an interest in the matter(s) affected to ensure compliance with policies and guidelines. A site visit may be undertaken. Applications of this nature shall be forwarded to the *Committee* for review and recommendation to the satisfaction of the *Manager*.

14. The *Permit* may be approved with or without terms and conditions, if acceptable. If terms or conditions are attached to the approval or the *Permit* is refused, the *Owner* of the *property* may appeal the decision to the *Tribunal*.
15. Where there is a recommendation to refuse an application, *Council* will be the final decision maker. Staff will provide *Council* with a recommendation from the *Committee*, recommendation from Development Services Committee, and a staff report. .

Part VI – Delegation for Approval of Permits

16. *Council* has delegated all of the power that *Council* has respecting the granting of *Permits* to the *Manager*, or *their delegate*, to approve *alterations* to *designated heritage properties*. This delegation of authority includes the power to grant approval to an application for an *alteration* with terms and conditions. All decisions made by the *Manager*, pursuant to delegated powers shall be reported to the *Committee* for information purposes. (By-law 2007-67)
17. The delegation of approval of *alterations* to the *Manager* does not include the authority to consider applications for *demolition* or removals under Parts IV and V of the *Act*, as no delegation provisions apply in these circumstances.

Part VII – Additional Delegation and Related Process

18. *Council* delegates to the *Manager* all of the authority under the *Act*, to request, receive, review and accept or reject plans, information, reports and any other documentation required to make a decision, when an application is made under the *Act* to *alter*, erect, *demolish* or remove any building or structure on a *designated heritage property*.
19. Notwithstanding Clause 18, *Council* retains the authority to request additional plans, information, reports and any other document that it considers necessary that was not requested by the *Manager*.
20. *Council* delegates to the *Manager* all of the powers that *Council* has to process *Permits* in accordance with the terms of this by-law and to establish any policies, guidelines, practices or procedures necessary to enact the *Permits* in accordance with the terms of this by-law and any decision made by *Council* pursuant to this by-law, in addition to By-law 2007-67.
21. In consultation with the *Owner*, the *Manager* may secure a waiver of or extension to the period of time upon which a decision must be made regarding the *Permit*.
22. When the *Manager* is absent through illness, vacation or other reason, the *Manager's* or *Director's* delegate shall act in the place of the *Manager*. While so acting, the delegate has all the rights, powers and authority of the *Manager* as delegated by this by-law.

23. The *Manager* shall prescribe all forms necessary to implement this by-law, and may amend such forms from time to time as the *Manager* deems necessary without amendment to this by-law.
24. The *Manager* is authorized to undertake all acts incidental to, and necessary to carry out the authority delegated to and vested in the *Manager* under this by-law, including affixing his or her signature to documents.

Part VIII – Requirements Related to Heritage Approvals

25. All *Permits* issued under this by-law shall be subject to the following standard conditions and shall be in accordance with the provisions of *City's* Property Standards By-law and Keep Markham Beautiful By-law, as amended:
 - a. Applicants must allow a site inspection, if requested, as part of the review being undertaken prior to the issuance of a *Permit*;
 - b. No work is to commence until a *Permit* and scope of work with any terms and conditions has been issued. It is recommended that procurement of building materials not be purchased until such time as the *Permit* has been approved;
 - c. All applications, plans, specifications, documents, and delegated authority approval or resolution of *Council* form part of the approved *Permit*, and all work must be carried out in accordance with this documentation and any other *information* that forms the basis upon which the *Permit* is granted;
 - d. A Heritage *Permit* card shall be issued by the *City* and shall be posted on the subject *property* in a location which is visible to the public;
 - e. Any work that deviates from the approved *Permit* is in violation of the *Permit* and is subject to prosecution under the *Act* and the provisions of this By-law;
 - f. Any material change to the plans, specifications, documents, reports or other information that forms the basis upon which a *Permit* is issued requires further approval and, if substantial, shall require an amendment to the *Permit*;
 - g. The *owner* shall allow *City* staff to inspect the work completed under the *Permit*;
 - h. Such other terms and conditions as the *Manager* deems necessary to maintain the *heritage attributes* of the *property* or the *heritage conservation district*; and

- i. All work must be completed within one (1) year of approval of a *Permit*, unless otherwise permitted by the terms and conditions. Any work not completed in this allotted time frame may require the submission of a new application for *alteration*;
- j. Notwithstanding the provisions of clause 25 i. above, where the approved work has been steadily progressing in accordance with the issued *Permit* or for any other reasonable cause deemed appropriate by the *Manager*, the *owner* may request a time extension to complete the approved works. Such request must be submitted to the *Manager* at least 60 days prior to the expiration of the one (1) year period and must include a timeline for completion of the approved works. In no case will the time extension exceed one (1) year.

PART IX – Emergency Situations

- 26. *Alterations* required for an emergency repair or to address health and safety or security issues may be authorized by the *Manager* with or without submission of an application. All emergency approvals shall be reported to the next *Committee* meeting.

PART X – Application Fees

- 27. Application fees for *alteration Permits* shall be identified in the *City's* Fee By-law and shall reflect the type of proposed work or project.
- 28. Application fees for *demolition Permits* shall be identified in the *City's* Fee By-law and shall reflect the cultural heritage status of the *designated heritage property* (i.e. Individual designated under Part IV of the *Act*, contributing or non-contributing property under Part V of the *Act*). The *Manager* may agree to reduce the application fee at their discretion depending on the heritage significance of the building or structure.
- 29. There shall be no application or administrative fee for a Minor Heritage Permit application.

PART XI – Financial Security

- 30. A financial security shall be required for a Major Heritage Permit to ensure that the project is completed as per the approved plan and drawings, and any terms and conditions attached to such approval. The financial security shall be returned upon notification by the *Owner* to the *Manager* that the project has been completed, and the *Manager* determines that the completed project complies with the *Permit* approval.
- 31. All or part of a financial security may be retained by the *City* if the approved project is not in compliance with the *Permit*.
- 32. If an *Owner* decides that they do not wish to proceed with the project, the financial security shall be released, subject to the following protocol:

- a) The *Owner* shall provide written notice to *Manager* indicating that the *Permit* project will not be proceeding and shall acknowledge that if in the future, the project is to proceed, a new *Permit* will be required.
- b) If a Building Permit has been issued, the *Owner* shall cancel the permit with the Building Department.
- c) Once the requirements in 32a) and 32b) have been confirmed as complete, the *Manager* shall arrange for the return of the financial security.

Part XII – Demolition or Removal

- 33. An *Owner* wishing to *demolish* or remove a building or structure on a *designated heritage property* shall submit an application for a *Permit* to the *Manager* on a form prescribed by the *City* and shall supply the information prescribed in Schedule 'C' of this by-law in order to assess the application.
- 34. An application for *demolition* or removal shall be deemed complete upon receipt of all information as required in Schedule 'C' and as may be requested by the *Manager*, and notice to this effect shall be given to the applicant as provided for under the *Act*.
- 35. An application for demolition or removal shall be circulated and reviewed by those internal staff which have an interest in the matter(s) affected to consider compliance with policies and guidelines. A site visit may be undertaken. Applications of this nature shall be forwarded to the *Committee* for review and recommendation.
- 36. A recommendation to approve a *Permit* in support of demolition with or without terms and conditions, or to refuse a *Permit* to *demolish* a *designated heritage property* shall be considered by *Council*, and include a recommendation by the *Committee*, and a staff report and recommendation to Development Services Committee.
- 37. If terms or conditions are attached to the demolition approval or the *Permit* is refused by *Council*, the *owner* of the *property* may appeal the decision to the *Tribunal*.

Part XIII – Heritage Permits and Land Use Planning Applications

- 38. Where land development proposals and applications are submitted to the *City* which include property subject to the *Act*, they shall be reviewed by the *Committee* in a timely manner concurrently to the greatest extent possible with other *City* departments and committees. Development applications to be reviewed include, but are not limited to, amendments to the official plan and zoning by-laws, plans of subdivision, minor variance applications, consent applications, and site plan control review.
- 39. ~~For new construction, additions or alterations on residential *designated heritage property* involving more than ten dwelling units or non-residential *designated heritage property*, the *Permit* requirements, including any terms and conditions, shall typically be included in~~

~~the Planning Act approval document or a Site Plan Agreement rather than a standalone Permit document.~~

For new construction, additions or alterations on residential *designated heritage property* involving more than ten dwelling units or non-residential *designated heritage property*, the *Permit* requirements, including any terms and conditions, shall typically be included in the Planning Act approval document if available or if necessary, in a separate *Permit* document. (By-law 2023-142)

Part XIV – Council Retains Ultimate Authority

40. Notwithstanding any provision of this By-law to the contrary, *Council* may, after notifying the *Manager*, exercise any authority that is delegated to the *Manager*.

Part XV – Appeals of Heritage Permits

41. In the event of an appeal to the *Tribunal* under the *Act*, the Notice of Appeal shall be placed on the *Council* agenda as correspondence.

Part XVI – Other Approvals

42. The issuance of a *Permit* under the *Act* is not a waiver of any of the provisions of any by-laws of the *City*, or the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation. The *Owner* must still obtain any other necessary permits or approvals from the *City* or other applicable agencies and authorities.

Part XVII – Offense and Restoration Provisions

43. Every person who knowingly furnishes false information in an application made pursuant to this By-law, or who fails to comply with any order, direction or requirement made pursuant to this By-law, or who contravenes any provision of this By-law or the *Act*, is guilty of an offence and on conviction is liable to a fine or to imprisonment as provided by Section 69 of the *Act*.
44. If this By-law is contravened and a conviction entered, the Court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy, and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
45. Where a *designated heritage property* is altered in contravention of this By-law, in addition to any other penalty imposed pursuant to the provisions of Section 69 of the *Act*, or pursuant to the *City's* other by-laws, as the case may be, the *City* may restore the *property* as nearly as possible to its previous condition, if it is practicable to do so, and may recover the cost of the restoration from the *Owner* of the *property* pursuant to the *Act*.
46. Where an order to restore the property is issued, *Council* may authorize any person in writing to enter on the *property* to carry out the restorations.

47. Notwithstanding Clause 46 above, and in accordance with the provisions of Section 69 of the *Act*, the *City* shall not restore the property if, in the opinion of the *City*, the *property* is in an unsafe condition or incapable of repair or the *alteration* was carried out for reasons of public health or safety or for the preservation of the *property*.
48. Where the provisions of this By-law have been contravened, the process to address the contravention shall be as follows:
- a. The *Manager* shall conduct an investigation to determine the circumstances and nature of the contravention;
 - b. Based on the results of the investigation pursuant to a. above and a determination that there has been a breach of the law, the *Manager* shall review with Legal Services who may determine whether formal processes are warranted as follows:
 - i. Legal Services may initiate a prosecution in accordance with the provisions of the *Act* and this By-law;
 - ii. A Property Standards Order may be issued pursuant to the provisions of the Property Standards By-law, as amended, and the *Building Code Act*;
 - iii. Where warranted and it is practicable to do so, recommend that the property be restored as nearly as possible to its previous condition. Any such recommendation for restoration shall be referred by the *Director* to *Council* for approval;
 - iv. The *Manager* may exercise discretion in consultation with Legal Services to resolve the contravention by alternative means. The *Manager* may meet with the *owner* to discuss the contravention, the penalties that could be imposed and to ensure that the owner is aware of the requirement to obtain a heritage permit for any future *alterations*.

Part XVIII – Schedules

49. All Schedules attached to this By-law shall form part of this By-law.

Part XIX - Administration and Effective Date

50. This By-law shall be administered by the *Manager*.

51. The effective date of this By-law is December 13, 2022.

Read a first, second, and third time and passed on December 13, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Schedule 'A'

Submission Requirements for a Minor Heritage Permit Application

- 1) Minor Heritage Permit Application Form including the name, address, telephone number, and e-mail address of the *owner* and the *owner's* authorized representative or agent, if applicable;
- 2) A site plan or sketch showing the location of the proposed work on the *property*;
- 3) A statement of the proposed work including an indication if the proposed alteration is likely to affect the *property's heritage attributes*;
- 4) Any drawings, specifications, photographs, paint chips, or additional notes as necessary to fully explain the minor modification/alteration to be undertaken.

Schedule 'B'

Submission Requirements for a Major Heritage Permit Application (Part IV or Part V Property)

- 1) Major Heritage Permit Application Form including the address of the *property*, the name, address, telephone number, and e-mail address of the *owner* and the *owner's* authorized representative or agent, if applicable. A signed statement by the *owner* authorizing the application is required if submitted by an agent;
- 2) An affidavit or a sworn declaration by the *owner*/applicant certifying that the information required and provided is accurate;
- 3) A site plan or sketch showing the location of the proposed work on the *property* including:
 - The location of all existing trees based on survey details.
 - The location and dimensions of all existing and proposed buildings.
 - Numerical values, at building corners, describing the existing and proposed grade elevations.
- 4) A statement of the proposed work including an accompanying brief rationale which addresses *alterations* likely to affect the *property's heritage attributes* as described in the *designation by-law or heritage conservation district plan*;
- 5) Elevation Drawings of the existing building and proposed work showing:
 - Dimensioned as-built drawings annotated to illustrate exterior colour and treatment.
 - Dimensioned proposed drawings including floor plans and elevations annotated to illustrate colour and exterior treatment details including but not limited to cladding, foundation detail, window and door units, decorative features, veranda and porches, and other features such as vents or exhaust pipes which penetrate the building envelope, satellite dishes, meters, utility boxes, air conditioning units and other mechanical or electrical equipment.
 - A dark solid line indicating the proposed grade, and a lighter broken line showing the existing grade correlating with numerical grade elevations shown on the site plan drawing.
 - A streetscape elevation including the street elevations of buildings on adjacent properties may be required to illustrate the compatibility and comparative height of the proposed building.
- 6) As may be required, written specifications for the proposed work;
- 7) An arborist report and tree preservation plan;

- 8) Photographs showing each elevation of the existing building and contextual condition of the *property*;
- 9) Documents in support of the proposal, including if relevant, archival photographs, or pictures or plans of similarly styled buildings contained within the same *heritage conservation district* as the proposal;
- 10) If the proposed addition is over 100 m², a conservation plan will be required to return the building to a more historical accurate condition including the restoration of deteriorated or missing heritage attributes. The scope of the conservation plan will be determined by the *Manager*.
- 11) As may be required, a Heritage Impact Statement prepared by a *Built Heritage Specialist*;
and
- 12) Any other information related to the application as required by the *Manager* or *Council*.

Schedule 'C'

Submission Requirements to Demolish a Building on a Designated Heritage Property¹

- 1) Heritage Permit Application Form including the address of the *property*, the name, address, telephone number, and e-mail address of the *owner* and the *owner's* authorized representative or agent, if applicable. A signed statement by the *owner* authorizing the application is required if submitted by an agent;
- 2) An affidavit or a sworn declaration by the *owner*/applicant certifying that the information required and provided by the applicant is accurate (Part IV properties);
- 3) A site plan or sketch showing the location of the proposed *demolition* or removal within the *property*;
- 4) Photographs showing the existing *building* or *structure* including all elevations, as well as their condition and context;
- 5) Drawings and written specifications of the proposed *demolition* or removal. As may be required, a building condition assessment prepared by a qualified Engineer of the *building* or *structure* or material part thereof which is proposed to be *demolished* or removed;
- 6) The reasons for the proposed *demolition* or removal and the potential impacts to the *heritage attributes* of the *property* or the *heritage conservation district*. As may be required, a Heritage Impact Statement prepared by a *Built Heritage Specialist*;
- 7) Any technical cultural heritage studies that are relevant to the proposed *demolition* or removal; and
- 8) Any other information related to the application, as required by the *Manager*.

Notes:

¹"Designated Heritage Property" means all property designated under Part IV or Part V of the Ontario Heritage Act, R.S.O 1990, c. O.18, as amended, and includes property in a heritage conservation district that is not identified as possessing cultural heritage value or interest

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Schedule ‘D’ (added through By-law 2023-142)

Process Requirements for a Relocated Heritage Building - Major Heritage Permit Application

The Heritage Permit application process can only be used on a *designated heritage property*. However, when a Heritage Building is relocated, the receiving lot is typically not a *designated heritage property* unless it is within a heritage conservation district. This issue can affect a heritage building being relocated to Markham Heritage Estates subdivision or a heritage building being relocated elsewhere in the community.

Relocation of a Heritage Building from original location to new location

- a) Where the City has received satisfactory evidence that the Heritage Building will be relocated to the new location owned by a different owner (i.e. through being provided with a letter agreement or bill of sale between the original owner and the owner of the new location and/or a signed Agreement of Purchase and Sale for the acquisition of a new lot in Markham Heritage Estates subdivision), Council may enact a “conditional” Designation By-Law describing both the original location of the Heritage Building and the new location where it will be moved.
- b) The conditional Designation By-law shall indicate in the recitals that the Heritage Building is currently on the original site (include the legal description and municipal address of the original site) and will be relocated to the new lot (include the legal description and municipal address of the lot to be acquired). In the case of Markham Heritage Estates, it would be the new lot that the purchaser has agreed to acquire from the City. The Designation By-law shall indicate that it will not be in effect until such time that the Heritage Building is relocated to the lot being acquired. The Designation By-law shall not be registered on the original site, but will be registered on the new location after the Heritage Building has been relocated.
- c) If Council has enacted such conditional Designation By-Law, the City may issue a Major Heritage Permit for the removal and restoration of the Heritage Building before the actual Designation By-Law is in effect.

Schedule ‘E’ (added through By-law 2023-142)

Process Requirement for Retention of a Heritage Building in a New Development/Plan of Subdivision- Major Heritage Permit Application

A Heritage Building may be required by Council to be retained within a new development or plan of subdivision as a condition of development approval, and the designation of the Heritage Building pursuant to the *Ontario Heritage Act* is required. As this undertaking is required prior to final approval of the plan of subdivision or any phase thereof, there is usually no separate legal description for the property which is to be designated as the plan of subdivision is not yet registered. There is desire to not register a Designation By-law on title to the entire property being developed.

The following procedure allows the Designation By-law to be enacted by Council and registered, and the Major Heritage Permit application to be submitted and processed.

- a) The City will prepare the draft Designation By-law (or an existing Designation By-law will be amended).
- b) The Owner of the property will provide at its expense a legal survey of the Heritage Building parcel (R-Plan) to facilitate the registration of the Designation By-law on the newly created/proposed lot.
- c) The Designation By-law (or amending By-law) with the new legal description as provided by the R-Plan will be enacted by Council and registered on title.
- d) A Major Heritage Permit Application can then be submitted and processed to comply with the conditions of draft plan approval or the associated Development or Subdivision Agreement requirements.