



Prince Edward Heritage Advisory Committee **Terms of Reference**

Originally drafted 2007

as amended by Motion CW-426-2010 adopted by Council on December 21, 2010

as further amended by Motion CW-264-2011 adopted by Council May 24, 2011

Purpose of PEHAC:

The Prince Edward Heritage Advisory Committee is a statutory committee of Prince Edward County Council. PEHAC has been appointed to advise council on all matters relating to the protection and promotion of the County's heritage resources, including those resources of significant architectural, cultural, historical, archaeological, natural or scientific interest within the County and to advise Council on matters relating to Parts IV and V of the Ontario Heritage Act.

Scope of Activities:

These activities stem from a number of documents including *PEHAC Enacting By-Law 2007*, the *Ontario Heritage Act* and the heritage clauses contained in the *County of Prince Edward Official Plan* (see Appendix A).

- **Identify Heritage Resources**
On an ongoing basis, to compile a list of properties and other resources which are of heritage value or interest according to Regulation 9/06 of the Ontario Heritage Act (see Appendix B). With the approval of Council, properties are listed on the Prince Edward County Heritage Properties Register and are known as "Listed Properties".
- **Recommend the Protection of Heritage Properties**
To recommend to County Council that properties of significant cultural heritage value or interest be protected by designation under Part IV of the Ontario Heritage Act (see Appendix C). The designation by-law must contain a legal description of the property, a statement of its cultural heritage value or interest and a description of its heritage attributes. Designated properties are registered on the Prince Edward County Heritage Properties Register and are known as "Designated Properties".
- **Recommend the Designation of Heritage Districts**
After extensive review by a qualified firm, to recommend to County Council that groups of properties in close proximity to each other which are of

significant cultural heritage value or interest be designated as Heritage Conservation Districts under Part V of the Ontario Heritage Act. Heritage Conservation Districts are registered on the County's Register of Heritage Properties.

- **Recommend Regarding Alteration of Designated Properties**
To make recommendations to Planning Staff (as outlined in the Heritage Permit process) to approve specified alterations to designated properties, which are likely to affect the property's heritage attributes as set out in the designation bylaw.
- **Recommend Regarding Demolition of Designated and Listed Properties**
To make recommendations to Council regarding the demolition of buildings or structures located on designated and listed properties.
- **Comment on planning applications and proposals**
To comment on applications for consents, for zoning by-law amendments, for official plan amendments, and for subdivisions that have a potential impact on heritage resources, and to make recommendations regarding mitigative measures.
- **Promote the Heritage of the County**
To establish a heritage promotion plan in order to promote the County's heritage by such means that may include printing brochures, books and maps, updating the PEHAC pages of the County website, giving educational and other presentations, and liaising with other organizations within the County.
- **Other Activities**
To take part in other activities as requested through motion of County Council.

Membership and Procedures:

- As a statutory committee of Prince Edward County Council, PEHAC shall report to Council through the Committee of the Whole.
- PEHAC shall be composed of two Councilors and not fewer than five members but not more than 8 members of the public appointed by Council for the term of Council.
- The public members should have a demonstrated skill set, history or interest in those matters pertaining to heritage, County history, or the Ontario Heritage Act.

- The Clerk's Office will advertise for interested public members to serve on the Committee in a newspaper having general circulation in the entire County.
- There shall be no remuneration for attendance of a meeting or travel to a meeting.
- The Committee shall nominate and elect its own chair and vice-chair at the first meeting of each calendar year of the Committee.
- The Committee may form working sub-groups on certain specific subject matters that may consist of members other than Prince Edward Heritage Advisory Committee Members. The sub-groups must be approved by Council in the form of approving any motion of the Prince Edward Heritage Advisory Committee recommending such sub-group(s), their purpose and terms of reference. Members of sub-groups shall not be remunerated unless otherwise approved by Council. The sub-group shall be disbanded upon completion of the identified work or project.
- The Committee shall meet on the third Thursday of each month at 9:00 AM in the Conference Room at the Edward Building, or at the call of the Chair, or being agreed to by the Committee at its previous meeting.
- If a Committee Member is absent for three consecutive meetings they have forfeited their membership unless their absence is justifiable.
- The Committee shall operate and be subject to the County's Procedural By-law as amended from time to time.

Administration, Minutes & Budgeting:

- A member of the Planning Department will serve as a staff resource to coordinate and facilitate the agendas of the Committee and shall be known as the "PEHAC Staff Liaison".
- Minutes of PEHAC Committee meetings are to be taken by a recording secretary working on behalf of the Planning Department, and shall be known as the "Recording Secretary".
- The Minutes of the previous meeting shall be reviewed and approved by the Committee at its next meeting or alternatively by the Chair and/or Vice Chair and then forwarded to the Planning Commissioner for inclusion on the next available Committee of the Whole Agenda, to be received by the Committee of the Whole.
- Committee of the Whole shall pull and vote on separately any PEHAC MOTION pertaining to the expenditure or use of County funds or resources, including

but not limited to:

- i. Undertaking trips beyond the boundaries of the County for educational or research purposes;
 - ii. The creation or amendment of County policy; and,
 - iii. A recommendation for Council action on a matter, such as approval of a designation by-law.
- ~~Planning Committee shall pull and forward to the appropriate Standing Committee any PEHAC MOTION pertaining to a matter or issue that is within the domain of a Standing Committee other than the Planning Committee for its due consideration.~~
 - The Chair or Vice-Chair of PEHAC can request to be scheduled as a deputation to a Committee of the Whole Meeting when a need to update the Committee on an issue or the general activities of PEHAC is identified.
 - The minutes of PEHAC meetings, once approved by PEHAC and received by Council, shall be regularly published on the County's website.

Appendices follow...

Appendix A
Heritage Clauses
contained in the
County of Prince Edward Official Plan

Office Consolidation – September 2004

Purpose and Scope I-1.0 It is intended that this Official Plan will guide all development activities in the County over the planning period to 2021, and will strategically direct County initiatives and programs.

Interpretation I-2.1 This plan provides a long range development framework to guide the future growth of the County of Prince Edward.

A Special Place

II-2.1.1 Prince Edward County is a special place.

Much of the County's built heritage dates from the early nineteenth century and is relatively unchanged due to the isolation of the area. The stock of buildings that remains constitutes a valuable record of the architectural history of Ontario.

II-2.1.3 In the future, Prince Edward County ... will be unique from most parts of the Province because of its combination of natural beauty, heritage and rural charm. These special attractions will have been properly preserved and enhanced over the years by the people of Prince Edward County.

Settlement Patterns II-2.4.7 Redevelopment activities in the County will result in the on-going restoration of the historic building stock....

Tourism

II-2.7.1 There will be a strong tourist demand in the future for the natural, historical and cultural attractions of the County. The protection and enhancement of the area's natural, historical and cultural attractions and related circulation corridor will be the focus of the County' successful tourism strategy.

Archaeological Resources III-1.9.1 Archaeological remains represent an important

record of past settlement in the County and have intrinsic cultural value.

Road System III-2.2.4 County Council will promote the development of Highway No. 33 in a manner that is compatible with its designation as the Loyalist Parkway by:

i) encouraging designation of heritage structures along the Parkway under the Ontario Heritage Act to permit municipal input into alterations of heritage structures, thereby encouraging retention of the Parkway's heritage theme

Appendix A

Tourism III-3.3 Tourism makes a significant contribution to the County economy.... It is a goal of this Plan to enhance tourism's role in the County economy as an employment base and income source.... To develop this potential, a land use policy to provide these activities forms an important part of this Plan. Schedule 'D' sets out in visual form the elements of the following policy directions:

c) designation of a network of local and County roads forming a scenic driving route in the County;

d) designation of the Loyalist Parkway as a heritage route in the County;

f) preservation and restoration of structures of historical or architectural value in order to maintain the heritage of the people and the County.

Schedule D, Tourism and Recreation Map

Tourism Corridors comprise the following areas

* Portage Rd. and Carrying Place

* Wellers Bay, Conseccon Lake, North Bay, Pleasant Bay, Huyck's Bay

* S. shore of the Bay of Quinte from W. of Northport to Hwy. 49

* Wellington, West Lake East, Cherry Valley, Bloomfield, Picton, Picton Bay

Glenora, Lake on the Mountain

* Milford, South Bay, Smith Bay, Waupoos, Waupoos Island. Scenic Routes

include

* Cty. Rd. 3

* Cty. Rd. 19

* Cty. Rd. 23

* Lakeside Dr.

* Cty. Rd. 14 and Cty. Rd. 15

* Cty. Rd. 35

* Cty. Rd. 7 and Cty. Rd. 8

* Cty. Rd. 10

* Cty. Rd. 18

* Cty. Rd. 17

* Cty. Rd. 13 and Long Point Rd.

Community Improvement III-4.2 In keeping with the strategy for the social and community development of Prince Edward County... several objectives have been formulated.

f) to encourage the preservation of the County's heritage buildings and historical resources III-4.2.5 In implementing this Plan's Community Improvement goals and objectives, the County shall:

f) make use of the Ontario Heritage Act to support the preservation of the natural and/or cultural heritage features of the County

Heritage Conservation III-4.4.1 Conservation of heritage resources is important not only for tourism and economic development, but also as a means of promoting and enhancing social and community development by exposing visitors and residents to the rich history and sense of place of the County.

Appendix A

III-4.4.2 The locations of built heritage resources have been mapped in the Background Studies to the Official Plan Update and are inventoried in the Historical Architectural Survey of Prince Edward (H.A.S.P.E.) and the publication The Settler's Dream.

III-4.4.3 It is the intent of this Plan to:

- a) preserve historic buildings, streetscapes, areas, scenic routes, museums, archaeological sites (known and suspected) and other heritage assets throughout the County; and
- b) apply the appropriate heritage resource management policies to all development and redevelopment within Prince Edward County in all land use designations.

III-4.4.4 County Council will manage and protect the County's heritage resources by:

- a) appointing a Local Architectural Conservation Advisory Committee (L.A.C.A.C.);
- b) designating any real property under the Ontario Heritage Act for which such recognition is requested and/or approved by the owner(s) and which is considered by Council to be of heritage value;
- c) maintaining a municipal register of designated properties in the office of the County Clerk;
- d) maintaining and administering a heritage grant program (contingent upon Provincial Government funding) for owners of properties designated under Part IV of the Ontario Heritage Act;

III-4.4.5 County Council will promote the integration of heritage conservation into the planning and development process, especially in the areas of land use and environment planning by:

- a) circulating development and redevelopment proposals (including applications for consents,

zoning by-law amendments, official plan amendments and subdivisions) for all property containing an inventoried heritage resource, designated building or property, to the LACAC for comment on the potential impact on heritage resources and recommendations regarding mitigative measures;

b) using the site plan control process, subdivision agreements and other powers conferred by the Planning Act, RSO 1990, to facilitate the retention of heritage resources and the compatibility of new development with these resources;

c) recommending consents only when the integrity and character of an inventoried or designated heritage resource on the subject property (both severed and retained) will not be compromised by the consent;

d) evaluating any proposed re-use of a heritage designated or inventoried property based on the established heritage significance of the property;

e) requiring a heritage impact study in situations where Council deems that development may adversely affect a heritage resource;

f) ensuring that community improvement plans and programs facilitate the preservation, rehabilitation, renewal and re-use of heritage resources; and

g) ensuring that secondary plan studies and plans of subdivision identify heritage resources and propose means to protect and enhance these resources.

Community Facilities and Programs

III-4.5.2 Council shall support the use of heritage buildings for public uses (e.g. tourism bureaus, art display spaces, civic office space etc.)

Appendix B

Ontario Regulation 9/06
Made under the Ontario Heritage Act

Criteria for Determining Cultural Heritage Value or Interest

A property may be designated under Part IV, section 29 of the Ontario Heritage Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- 1 The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- 2 The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
- 3 The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
- 4 The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- 5 The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
- 6 The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 7 The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- 8 The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
- 9 The property has contextual value because it is a landmark.

Appendix B

Appendix C

Extracts from Part IV of the Ontario Heritage Act

Ontario Heritage Act

R.S.O. 1990, CHAPTER O.18

Amended by: 1993, c. 27, Sched.; 1996, c. 4, ss. 55-65; 1997, c. 34, ss. 2, 3; 1998, c. 18, Sched.

B, s. 10; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. A, s. 14; 2002, c. 18, Sched. F, s. 2;

2004, c. 16, Sched. D, Table; 2004, c. 17, s. 32; 2005, c. 6; 2006, c. 11, Sched.

B, s. 11; 2006, c. 21, Sched. F, s. 136 (1); 2006, c. 32, Sched. D, s. 13; 2006, c. 34, s. 37; 2006, c. 35, Sched. C, s.

99.

Definitions

1. In this Act,

"alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning; ("transformer", "transformation")

"Board" means the Ontario Municipal Board; ("Commission")

"building permit" means a building permit issued under section 8 of the Building Code Act, 1992; ("permis de construire")

"donation" includes any gift, testamentary disposition, deed or trust or other form of contribution; ("don")

"heritage attributes" means, 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; ("attributs patrimoniaux")

"inspect" includes to survey, photograph, measure and record; ("inspecter")

"licence" means a licence issued under this Act; ("licence")

"Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council; ("ministre")

"municipality" means a local municipality and includes a band under the Indian Act (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; ("municipalité")

"owner" means the person registered on title in the proper land registry office as owner; ("propriétaire")

"permit" means a permit issued under this Act; ("permis") "person" includes a municipality; ("personne")

"regulations" means the regulations made under this Act; ("règlements")

"Review Board" means the Conservation Review Board; ("Commission de révision") "Trust" means the Ontario Heritage Trust continued under section 5. ("Fiducie") R.S.O. 1990, c. O.18, s. 1; 1993, c. 27, Sched.; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. F, s. 2 (1, 2); 2005, c. 6, s. 2.

PART IV CONSERVATION OF PROPERTY OF CULTURAL HERITAGE VALUE

OR INTEREST

Definitions and Application

Definition

26. (1) In this Part,

"property" means real property and includes all buildings and structures thereon. 2005, c. 6, s. 14.

(2) In sections 27 to 34.4, "designated property" means property designated by a municipality under section 29. 2005, c. 6, s. 14.

Register and Municipal Heritage Committee

Register

27. (1) The clerk of a municipality shall keep a register of property situated in the municipality that is of cultural heritage value or interest. 2005, c. 6, s. 15.

Contents of register

(1.1) The register kept by the clerk shall list all property situated in the municipality that has been designated by the municipality or by the Minister under this Part and shall contain, with respect to each property,

- (a) a legal description of the property;
- (b) the name and address of the owner; and
- (c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. 2005, c. 6, s. 15.

(1.2) In addition to the property listed in the register under subsection (1.1), the register may include property that has not been designated under this Part but that the council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property. 2005, c. 6, s. 15.

Consultation

(1.3) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee. 2005, c. 6, s. 15.

Extracts

(2) The clerk of a municipality shall issue extracts from the Register referred to in subsection (1) to any person on payment of the fee set by the municipality

by by-law. R.S.O. 1990, c. O.18, s. 27 (2); 2002, c. 18, Sched. F, s. 2 (6).

Restriction on demolition, etc.

(3) If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2006, c. 11, Sched. B, s. 11 (2).

(4) Subsection (3) applies only if the property is included in the register under subsection (1.2) before any application is made for a permit under the Building Code Act, 1992 to demolish or remove a building or structure located on the property. 2006, c. 11, Sched. B, s. 11 (2).

(5) The notice required by subsection (3) shall be accompanied by such plans and shall set out such information as the council may require. 2006, c. 11, Sched. B, s. 11 (2).

Municipal heritage committee

28. (1) The council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by by-law. 2002, c. 18, Sched. F, s. 2 (7).

Members

(2) The committee shall be composed of not fewer than five members appointed by the council. 2002, c. 18, Sched. F, s. 2 (7).

Continuation of old committees

(3) Every local architectural conservation advisory committee established by the council of a municipality before the day subsection 2 (7) of Schedule F to the Government Efficiency Act, 2002 comes into force is continued as the municipal heritage committee of the municipality, and the persons who were the members of the local architectural conservation advisory committee immediately before that day become the members of the municipal heritage committee. 2002, c. 18, Sched. F, s. 2 (7).

Designation of Properties by Municipalities

Designation by municipal by-law

29. (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and

(b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1).

Notice required

(1.1) Subject to subsection (2), if the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause notice of intention to designate the property to be given by the clerk of the municipality in accordance with subsection (3). 2005, c. 6, s. 17 (1).

Consultation

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property under subsection (1), consult with its municipal heritage committee. R.S.O. 1990, c. O.18, s. 29 (2); 2002, c. 18, Sched. F, s. 2 (9).

Notice of intention

(3) Notice of intention to designate under subsection (1) shall be,
(a) served on the owner of the property and on the Trust; and
(b) published in a newspaper having general circulation in the municipality. R.S.O. 1990, c. O.18, s. 29 (3); 2005, c. 6, s. 1.

Objection

(5) A person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts. R.S.O. 1990, c. O.18, s. 29 (5); 1996, c. 4, s. 55 (2).

If no notice of objection

(6) If no notice of objection is served within the 30-day period under subsection (5), the council,
(a) shall,
(i) pass a by-law designating the property,
(ii) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property,
(A) to be served on the owner of the property and on the Trust, and
(B) to be registered against the property affected in the proper land registry office, and
(iii) publish notice of the by-law in a newspaper having general circulation in the municipality;

or

(b) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,
(i) to be served on the owner of the property and on the Trust, and
(ii) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (11); 2005, c. 6, ss. 1, 17 (3).

Referral to Review Board

(7) Where a notice of objection has been served under subsection (5), the council shall, upon expiration of the thirty-day period under subsection (4), refer the matter to the Review Board for a hearing and report. R.S.O. 1990, c. O.18, s. 29 (7).

Appendix C

Report

(12) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. R.S.O. 1990, c. O.18, s. 29 (12).

Failure to report

(13) Where the Review Board fails to make a report within the time limited by subsection (12), such failure does not invalidate the procedure. R.S.O. 1990, c. O.18, s. 29 (13).

Decision of council

(14) After considering the report under subsection (12), the council, without a further hearing,

(a) shall,

(i) pass a by-law designating the property,

(ii) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property,

(A) to be served on the owner of the property and on the Trust, and

(B) to be registered against the property affected in the proper land registry office, and

(iii) publish notice of the by-law in a newspaper having general circulation in the municipality;

or

(b) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,

(i) to be served on the owner of the property and on the Trust, and

(ii) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (12); 2005, c. 6, ss. 1, 17 (5).

Decision final

(14.1) The decision of the council under subsection (14) is final. 2002, c. 18, Sched. F, s. 2 (12).

Effect of notice of designation

Permits void

30. (1) If a notice of intention to designate a property as property of cultural heritage value or interest is given under section 29, any permit that allowed for the alteration or demolition of the property and that was issued by the municipality under any Act, including a building permit, before the day the notice was served on the owner of the property and on the Trust and published in a newspaper is void as of the day the notice of intention is given in accordance with subsection 29 (3). 2005, c. 6, s. 18.

Interim control of alteration, demolition or removal

(2) Sections 33 and 34 apply with necessary modifications to property as of the day notice of intention to designate the property is given under subsection 29 (3) as though the designation process were complete and the property had been designated under section 29. 2005, c. 6, s. 18.

Appendix C

Alteration of property

33. (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2002, c. 18, Sched. F, s. 2 (16); 2005, c. 6, s. 21 (1).

Application

(2) An application under subsection (1) shall be accompanied by a detailed plan and shall set out such information as the council may require. R.S.O. 1990, c. O.18, s. 33 (2).

Notice of receipt

(3) The council, upon receipt of an application under subsection (1) together with such information as it may require under subsection (2), shall cause a notice of receipt to be served on the applicant. R.S.O. 1990, c. O.18, s. 33 (3).

Decision of council

(4) Within 90 days after the notice of receipt is served on the applicant under subsection (3), the council, after consultation with its municipal heritage committee, if one is established,

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall give notice of its decision to the owner of the property and to the Trust. 2002, c. 18, Sched. F, s. 2 (17); 2005, c. 6, s. 1.

Delegation of council's consent

(15) The power to consent to alterations to property under this section may be delegated by bylaw 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).

Demolition or removal of structure

34. (1) No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).

Appendix C

Decision of council

(2) Within 90 days after receipt of an application under subsection (1) or within such longer period as is agreed upon by the owner and the council, the council, after consultation with its municipal heritage committee, if one is established,

- (a) may,
 - (i) consent to the application,

(i.1) consent to the application, subject to such terms and conditions as may be specified by the council,

or

- (ii) refuse the application;
- (b) shall give notice of its decision to the owner and to the Trust; and
- (c) shall publish its decision in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, ss. 1, 22 (2).

Deemed consent

(4) If the council fails to notify the owner under clause (2) (b) within the time period mentioned in subsection (2), the council shall be deemed to have consented to the application. 2002, c. 18, Sched. F, s. 2 (18).

Appeal to Board

34.1 (1) If the council of a municipality consents to an application subject to terms and conditions under subclause 34 (2) (a) (i.1) or refuses an application under subclause 34 (2) (a) (ii), the owner of the property that was the subject of the application may appeal the council's decision to the Board within 30 days

of the day the owner received notice of the council's decision. 2005, c. 6, s. 23.

Powers of Board

(6) After holding a hearing, the Board may order,
(a) that the appeal be dismissed; or
(b) that the municipality consent to the demolition or removal of a building or structure without terms and conditions or with such terms and conditions as the Board may specify in the order. 2005, c. 6, s. 23.

Decision final

(7) The decision of the Board is final. 2005, c. 6, s. 23.

Appendix C