



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Regan Hutcheson, Manager-Heritage Planning

**DATE:** September 13, 2023

**SUBJECT:** USE OF MAJOR HERITAGE PERMIT APPLICATIONS – CULTURAL HERITAGE RESOURCE RELOCATION PROJECTS AND RETENTION IN NEW DEVELOPMENT

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**Project:** Process Improvements  
1) Use of **Major Heritage Permit Applications** for the Relocation of Heritage Resources and Retention in New Development/Plans of Subdivision

**Background:**

- As of November 28, 2022, the *More Homes Built Faster Act, 2022* (Bill 23) eliminated the opportunity to use Site Plan Control approval (SPC) and the associated fees for properties containing 10 or less residential units anywhere in the municipality.
- Under the *Ontario Heritage Act* (the “Act”), alterations to an individually designated heritage property and to properties located within a Heritage Conservation District require the City’s approval. Prior to the approval of Bill 23, the City used SPC and its associated Agreement under the *Planning Act* to process residential development applications in these situations.
- To address the loss of this tool, staff noted that a new Heritage Permit application process could provide the opportunity to develop a replacement review and approval process for residential heritage designated properties.
- Council approved by-laws in December 2022 outlining procedures and requirements for the enhanced processing of Heritage Permits (Major and Minor Heritage Permits- By-law 2023-20) and introduced associated fees (Section 391 of the *Municipal Act, 2001* permits a municipality to pass a by-law for imposing fees or charges for services or activities provided by or done on its behalf).
- The issuance of Major and Minor Heritage Permits, complete with terms and conditions attached to any approval, and a financial security requirement are now being used in heritage conservation districts and for individually designated properties.

**Issue**

- Prior to recent legislative changes, the City used Site Plan Approval to oversee the relocation and restoration of dwellings being relocated to a new lot (including Markham Heritage Estates subdivision). This SPC process and agreement also allowed the city to address new additions, outbuildings and landscaping. Site Plan Approval was also a

condition of approval for certain new development projects and for buildings being retained in residential use in new plans of subdivision.

- A new tool is required to address these situations.

### **Proposed Change**

- An amendment to the Heritage Permit procedural by-law is recommended to further clarify and establish procedures for the use of Heritage Permits for relocated heritage buildings and those resources to be retained in new development. By-law 2023-20 would be amended to ensure retention and/or restoration of heritage resources in these circumstances.
- However, the existing Heritage Permit application process only allows Heritage Permits to be issued for designated heritage properties. An exception to this will need to be created for Heritage Permits for non-designated heritage buildings being relocated. The proposed change: where the City has approved a building relocation, 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 (to be noted in the by-law recitals). The Designation By-law will not be in effect and registered on title until such time that the Heritage Building is relocated to the lot being acquired and will not be registered on the original site. This will allow the Major Heritage Permit application process to be used.
- Also the by-law amendment will clarify that the Major Heritage Permit application process is to be used to retain heritage buildings within new development areas. So as not to register the required Designation Bylaw against the entire development property, the applicant will be required to provide an R-Plan to describe the proposed heritage property that can be used to register the Designation By-law on its specific location. This will then allow a Major Heritage Permit application process to be used.
- An amendment to the City’s Fee By-law is proposed to further clarify fees associated with different types of Heritage Applications or scenarios.
- The previous amendment to By-law 2002-276 (the City’s Fee By-law) introduced heritage permit application fees for projects that were formerly associated with Site Plan Approval applications in heritage conservation districts (i.e. new residential construction, additions to buildings, accessory buildings, parking areas) and for alterations and additions affecting individually designated properties. The amendment proposed does not modify the identified fees but provides guidance in the fee schedule to help clarify how fees are to be calculated on multi-unit developments in heritage districts – the application fee will be calculated per building and not per unit. In addition, the revised fee schedule identifies an application fee for a heritage building being relocated to a new lot (i.e. Markham Heritage Estates subdivision) or such building being retained in a plan of subdivision on a new lot or within a new development scenario.

### **Status/ Staff Comment**

A staff report is being prepared on these matters and should be considered by Council in September.

### **Suggested Recommendation for Heritage Markham**

That Heritage Markham receive the update on the proposed use of the Major Heritage Permit applications for the relocation of heritage resources and retention of these resources in new developments and plans of subdivision.

**File:**

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