



**City of Kingston
Information Report to Council
Report Number 21-004**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Andrea Gummo, Manager, Policy Planning
Date of Meeting: December 15, 2020
Subject: Delegated Authority Heritage Approvals

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The purpose of this report is to inform Council of the delegated authority heritage approvals issued by staff in accordance with Part VI, Section 20.d. of By-Law Number 2013-141 'Procedural By-Law for Heritage' (Exhibit A). The Procedural By-Law states that decisions on delegated matters are to be presented to Council on a bi-annual basis for information.

At the November 20, 2018 Council meeting, delegated heritage approvals issued between September 22, 2016 and June 12, 2018 were reported to Council through Report Number 18-378. This report presents all delegated *Heritage Act* approvals issued by staff between June 13, 2018 and October 30, 2020. A list of the 115 delegated authority heritage approvals granted within this timeframe is included as Exhibit B to this report.

A report is being presented to Heritage Kingston in December to allow for discussion of the Delegated Authority bylaw and procedures, as well as clarification of roles and responsibilities for staff and committee members.

Recommendation:

This report is for information purposes only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

| | |
|---|--------------|
| Peter Huigenbos, Commissioner, Business, Environment & Projects | Not required |
| Brad Joyce, Commissioner, Corporate Services | Not required |
| Jim Keech, President & CEO, Utilities Kingston | Not required |
| Desirée Kennedy, Chief Financial Officer & City Treasurer | Not required |
| Sheila Kidd, Commissioner, Transportation & Public Works | Not required |

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Options/Discussion:

Pursuant to subsections 33(15) and 42(16) of the *Ontario Heritage Act*, and By-Law Number 2013-141 (Procedural By-Law for Heritage), Council has delegated authority to the Director of Planning Services to approve certain minor alterations to properties designated under Parts IV (individually) and V (as part of a heritage conservation district) of the *Ontario Heritage Act*. This includes the power to grant approval to an application for an alteration with terms and conditions. This approval authority is granted in relation to a list of alteration types, which are considered minor under the Procedural By-Law (Exhibit A – By-Law Number 2013-141).

The following is a direct excerpt from the By-Law Number 2013-141, Part IV, Section 4:

- a. Removal of, or alterations to, signage within the sign's current configuration and building coverage;
- b. Replacement of eaves troughs and downspouts;
- c. Replacement of exterior lights with a similar style and brightness;
- d. Repair and replacement of windows undertaken in conformity with the City's 'Policy on Window Renovations in Heritage Buildings';
- e. Installation or replacement of removable storm windows and doors with historically correct materials;
- f. Replacement of roofing where there is little or no change in colour, materials or design;
- g. Repair of existing features, including wall cladding or siding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, soffit and fascia, porches and steps, entrances, foundations, and decorative wood, metal, stone or brick, provided the same or historically accurate types of materials are used with details replicating the original, and the repairs relate to small amounts of decay or damage, for example, less than 10% of the surface area of the element being repaired;
- h. Re-pointing of masonry undertaken in accordance with the City's 'Policy on Masonry Restoration in Heritage Buildings' and limited to 10% of the surface area being repaired;
- i. Re-painting part of, or the whole building or structure, in the same colour or a historically accurate colour;
- j. Installation of mechanical and electrical equipment, and vent stacks and exhaust pipes which penetrate the building envelope, are not visible from the street and are carried out in a manner that does not alter the building's attribute;
- k. Repair of sidewalks and driveways;
- l. The erection of stand-alone accessory buildings and structures if they are no larger than 10 square metres (108 square feet) and are located in the rear yard;
- m. Repair of fences;
- n. Revisions or amendments of previously approved permits only if the proposed alterations involve work for items included in the delegated authority;
- o. Final issuance of grants following completion of work which has been carried out in accordance with provisional approval for an application for alteration;

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- p. When the interior designation of City Hall is affected, including only the permission of temporary exhibitions and for interpretive material, way-finding signage, civic collection management and for minor reversible renovations that are not significant in nature;
- q. Situations requiring emergency repair which are considered to be a health, safety or security issue by the Director, the Chief Building Official or the Fire Chief, in accordance with the provisions of Section 11 of this by-law;
- r. Extension to the three year time limit to complete the scope of work in accordance with the provisions of Section 23 j. of this by-law; and
- s. Conduct investigations respecting contraventions of the provisions of this by-law in accordance with Part XI of this by-law.

As noted above, the Procedural By-Law for Heritage gives delegated approval authority to the Director of Planning Services for specific alterations. Section 33(15) of the *Ontario Heritage Act* states:

The power to consent to alterations to property under this section may be delegated by by-law 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.

It is important to note that this delegated authority does not extend to allow the Director to deny an application. If an application cannot be approved, it would be directed to Council, with consultation from Heritage Kingston, to render a decision.

Ontario Heritage Act approvals are the City's best tool to conserve the cultural heritage value of Kingston's treasured cultural heritage resources, while also being a service that staff provide to affected owners and the general public. Staff strive to provide this service to property owners as efficiently as possible, in order to make owning and conserving a protected heritage property less burdensome on the owners. On average, a Heritage Permit approved through delegated authority takes approximately three (3) weeks, while approvals that require Committee consultation and a decision from Council can take more than two (2) months.

According to Part VI, Section 20(d) of the Procedural By-Law for Heritage, decisions on delegated matters must be presented to Council on a bi-annual basis for information. The last report on delegated authority heritage approvals was presented to Council on November 20, 2018 (Report Number 18-378), for approvals issued between September 22, 2016 and June 12, 2018. Between June 14, 2018 and October 31, 2020, staff issued 115 delegated authority heritage permits. These items are listed in Exhibit B to this report. The types of alterations approved included, primarily, repairs to existing features, such as porches, rain gear, windows, doors and roofing, usually in a like-for-like manner. Other alterations included changes to signage, installation of mechanical (HVAC) equipment and minor masonry repointing. All alterations conserved and/or enhanced the cultural heritage value of the identified resource.

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Existing Policy/By-Law:

Ontario Heritage Act, R.S.O. 1990, C. O.18. (Province of Ontario)
By-Law Number 2013-141 - Procedural By-Law for Heritage

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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Ryan Leary, Senior Planner, Heritage, 613-546-4291 extension 3233

Other City of Kingston Staff Consulted:

Alan McLeod, Acting Director, Legal Services

Exhibits Attached:

Exhibit A Procedural By-law for Heritage Number 2013-141

Exhibit B List of Delegated Authority Heritage Approvals (issued June 14, 2018 to October 31, 2020)

Exhibit C Heritage Kingston Terms of Reference

Exhibit D Code of Conduct



City of Kingston

Ontario

By-Law Number 2013-141

A Procedural By-Law For Heritage

A By-Law To Establish Procedures For Processing Permit Applications Under The Ontario Heritage Act, And To Delegate The Power To Consent/Grant Permits For The Alteration Of Designated Heritage Properties To The Director Of Planning, Building & Licensing Services

Passed: August 13, 2013

As Amended By By-Law Number:

| By-law Number | Date Passed: | By-law Number | Date Passed: |
|----------------------|---------------------|----------------------|---------------------|
| 2016-68 | March 1, 2016 | | |
| | | | |
| | | | |

(Office consolidation)

City of Kingston

Ontario

By-Law Number 2013-141

A Procedural By-Law For Heritage

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**City of Kingston By-Law 2013-141
A Procedural By-Law For Heritage**

**A By-Law To Establish Procedures For Processing Permit Applications Under
The Ontario Heritage Act, And To Delegate The Power To Consent/Grant Permits
For The Alteration Of Designated Heritage Properties To The Director Of
Planning, Building & Licensing Services**

Passed: August 13, 2013

Whereas clause 23.2(1)(c) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended permits a municipality to delegate certain legislation and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality; and

Whereas pursuant to subsection 33(15) and 33(16) of the Ontario Heritage Act, R.S.O. 1990, c. 0.18, as amended, the council of a municipality may by by-law delegate the power to consent to alterations to property designated under Part IV to an employee or official of the municipality after having consulted with its municipal heritage committee; and

Whereas pursuant to subsection 42(16) and 42(17) of the Ontario Heritage Act, the council of a municipality may by by-law delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to an employee or official of the municipality after having consulted with its municipal heritage committee; and

Whereas the Council of the Corporation of the City of Kingston has consulted with its municipal heritage committee;

Now Therefore the Council of the Corporation of the City of Kingston enacts as follows:

Part I – Short Title

1. This By-law is the ‘Procedural By-law for Heritage’

Part II - Definitions

2. For purposes of this By-law, words shall have the meaning set out in the Act and, additionally:

“Act” means the Ontario Heritage Act, R.S.O. 1990, C.O.18, as amended from time to time; and all definitions included therein;

“Alter” means to change in any manner and includes to 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.;

(By-Law No.2013-14; 2016-68)

Part II – Definitions cont'd:

“Built Heritage Specialist” means a person with heritage experience and who is a member of the Canadian Association of Heritage Professionals and/or a member of the Royal Architectural Institute of Canada;

“City” means the Corporation for the City of Kingston;

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

“Committee” means Heritage Kingston;

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

“Designated Heritage Property” means property designated under Part IV or Part V under the Ontario Heritage Act, R.S.O. 1990, c.0.18 as amended;

“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.0.18, 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, Building & Licensing Services 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.0.18, 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.0.18, 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.0.18, as amended and identified as heritage attributes, values, reasons for designation or otherwise;
 - iii) in a By-law designating a Heritage Conservation District passed under Section 41 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended and identified as heritage attributes, values, reasons for designation or otherwise; or

(By-law 2013-141; 2016-68)

Part II – Definitions cont'd:

- 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, 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.0. 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.0.18 as amended to provide direction in the preservation of the heritage attributes of a Heritage Conservation District;

“Information” means any information requested by the Director, and includes plans, reports or any other documentation requested by the Director;

“Listed Property” means property that City Council has determined to be of cultural heritage value or interest;

“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; 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 there is little or no change in colour; 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, a Minister’s Order made pursuant to Section 34.5 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended, or in a Heritage Conservation District Plan;

“Permit” means a permit issued under the Ontario Heritage Act which includes the Scope of Work;

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

“Scope of Work” means a form that summarizes the parameters of the heritage permit;

Part II – Definitions cont'd:

“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.

(By-Law Number 2013-14; 2016-68)

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 designation by-law or easement passed under the Act;
 - b. Minor alterations as may be described in individual heritage conservation district plans as required by Section 41.1 (5) of the Act;
 - c. Landscaping which does not require heavy machinery and which will not significantly change the appearance of the property; and
 - d. Maintenance as defined in this by-law.
 - e. The forgoing works shall comply with the provisions of Section 7 of the City of Kingston Property Standards By-law Number 200-100, as amended.

(By-Law Number 2013-14; 2016-68)

Part IV – Authority For Delegation And Related Process

4. Council delegates all of the power that Council has respecting the granting of permits to the Director to approve minor alterations to designated heritage properties. Said minor alterations shall comply with the provisions of Section 7 of the City of Kingston Property Standards By-law 2005-100, as amended. This delegation of authority includes the power to grant approval to an application for an alteration with terms and conditions and is granted in relation to the following topics:
- a. removal of, or alterations to, signage within the sign's current configuration and building coverage;
 - b. replacement of eaves troughs and downspouts;
 - c. replacement of exterior lights with a similar style and brightness;
 - d. repair and replacement of windows undertaken in conformity with the City's 'Policy on Window Renovations in Heritage Buildings';
 - e. installation or replacement of removable storm windows and doors with historically correct materials;
 - f. replacement of roofing where there is little or no change in colour, materials or design;

(By-Law Number 2013-14; 2016-68)

Part IV – Authority For Delegation And Related Process cont'd:

- g. repair of existing features, including wall cladding or siding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, soffit and fascia, porches and steps, entrances, foundations, and decorative wood, metal, stone or brick, provided that the same or historically accurate types of materials are used with details replicating the original, and the repairs relate to small amounts of decay or damage, for example less than 10% of the surface area of the element being repaired;
- h. re-pointing of masonry undertaken in conformity with the City's 'Policy on Masonry Restoration in Heritage Buildings' and limited to 10% of the surface area being repaired;
- i. repainting part of, or the whole building or structure, in the same colour or a historically-accurate colour;
- j. installation of mechanical and electrical equipment, and vent stacks and exhaust pipes which penetrate the building envelope, are not visible from the street and are carried out in a manner that does not alter the building's attributes;
- k. repair of sidewalks and driveways;
- l. the erection of stand-alone accessory buildings and structures if they are no larger than 10 square metres (108 square feet) and are located in the rear yard;
- m. repair of fences;
- n. revisions or amendments to previously approved permits only if proposed alterations involve work for items included in the delegated authority;
- o. final issuance of grants following completion of work which has been carried out in accordance with provisional approval for an application for alteration;
- p. when the interior designation of the City Hall are affected, including only the permission of temporary exhibitions and for interpretive material, way-finding signage, civic collection management and for minor reversible renovations that are not significant in nature; and,
- q. situations requiring emergency repair which are considered to be a health, safety or security issue by the Director, the Chief Building Official or the Fire Chief, in accordance with the provisions of Section 11 of this By-law
- r. extensions to the three year time limit to complete the scope of work in accordance with the provisions of Section 23. j. of this By-law; and
- s. conduct investigations respecting contraventions of the provisions of this By-law in accordance with Part XI of this By-law

(By-Law No.2013-141; 2016-68)

Part IV – Authority For Delegation And Related Process cont'd:

5. Council delegates to the Director 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:
 - a. to alter, erect, demolish or remove any building or structure on a designated heritage property; and,
 - b. to repeal a by-law, or portion thereof, on a designated heritage property.

(By-Law No.2013-141; 2016-68)
6. Notwithstanding Section 5, Council retains the authority to request additional plans, information, reports and any other document that it considers necessary that was not requested by the Director.
7. Council delegates to the Director 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.
8. When the Director is absent through illness, vacation or other reason, the Director's delegate shall act in the place of the Director. While so acting, the Director's delegate has all the rights, powers and authority of the Director as delegated by this by-law.
9. The Director shall prescribe all forms necessary to implement the by-law, and may amend such forms from time to time as the Director deems necessary without amendment to this by-law.
10. The Director is authorized to undertake all acts incidental to, and necessary to carry out the authority delegated to and vested in the Director under this by-law, including affixing his or her signature to documents.

Part V – Processing Of Permits For Designated Heritage Properties

11. Emergency Proposals – proposed alterations required for an emergency repair or to address health and safety issues may be authorized by the Director. All emergency approvals shall be reported to the next Heritage Kingston meeting.
12. An Owner wishing to alter a designated heritage property shall submit an application for a permit in writing to the Director on a form prescribed by the Director and shall supply the information prescribed in Schedule 'A' of this by-law that is requested by the Director in order to assess the application.

(By-Law No.2013-141; 2016-68)

Part V – Processing Of Permits For Designated Heritage Properties cont'd

13. An Owner wishing to demolish or remove a building or structure on a designated heritage property shall submit an application for a permit in writing to the Director on a form prescribed by the Director and shall supply the information prescribed in Schedule 'B' of this by-law that is requested by the Director in order to assess the application.
14. Any Owner wishing to repeal all, or a portion of, a designation by-law for a designated heritage property, shall submit an application for a permit in writing to the Director on a form prescribed by the Director, and shall supply the information prescribed in Schedule 'B' of this by-law that is required by the Director in order to assess the application.
15. For Sections 12, 13, and 14 above, an application shall be deemed complete upon receipt of all information as requested by the Director, and a letter to this effect is provided to the landowner.
16. In evaluating an application for a Permit to alter a designated heritage property, staff of the Planning, Building & Licensing Services Department may obtain advice from heritage experts with respect to the application, and at the discretion of the Director may include a pre-consultation with Heritage Kingston on complex development proposals.
17. For all other applications for alterations to designated heritage properties other than those listed in Section 4 and where the proposed alteration is likely to affect the property's heritage attributes as set out in the Designation By-law, staff will undertake site visits accompanied, where appropriate, by Heritage Kingston members or heritage experts as per Section 16. Staff will carry out an internal technical circulation to other City departments, as appropriate, and will prepare a report by staff summarizing comments, background information, and recommendations for consideration by Heritage Kingston. In these situations, Heritage Kingston shall review the merits of the applications, and provide a recommendation to Council. Council shall retain all decision-making power in relation to that application.
18. Approval by the Director, with associated terms and conditions, is required for an application for a permit to alter a building or structure on a designated heritage property.
19. For other than those applications listed in Section 4, final approval authority by Council is retained for the following applications for a permit:
 - a. When consent to approve an application for alteration is not recommended by the Director;
 - b. To demolish or remove a building or structure or material part thereof on a designated heritage property; and
 - c. To repeal all, or a portion of a designating by-law under the Act for a designated heritage property.

(By-Law No.2013-141; 2016-68)

Part VI – Processing And Issuance Of Permits, And Amendments Thereto

20. The following process shall apply to applications brought under this Bylaw:
- a. Permit applications are completed and are submitted to staff. An application may include plans, photographs, and written information as required under Appendix A, including a possible Heritage Impact Statement. Pre-consultation is undertaken with staff, and for major applications, (for example, those which require an Official Plan Amendment or a Zoning By-law Amendment) pre-consultation may be undertaken with Heritage Kingston at the discretion of the Director;
 - b. When the application is deemed complete pursuant to section 14, a letter shall be issued to the applicant containing the notice of receipt as provided for under the Act;
 - c. A technical circulation to those internal departments which have an interest in the matter(s) affected is undertaken for all applications, and a site visit is carried out;
 - d. Decisions on delegated matters are presented to Council on a bi-annual basis for information; and
 - e. The Director shall issue a permit which includes a scope of work outlining the parameters of the permit.
21. The Director shall issue documentation outlining the parameters of the permit to an owner of the designated heritage property that has made an application under this by-law in the following instances:
- a. Where the Director's approval has been provided for an alteration of a property.
 - b. Where Council approval has been provided for the alteration of property, demolition, or removal of a building or structure on a property.
 - c. Where Council or the Director is deemed to consent to an application made for a designated heritage property.
 - d. Where the Ontario Municipal Board orders that the City consent to a demolition or removal of a building or structure on a property designated under Parts IV or V of the Act.
 - e. Where the Ontario Municipal Board directs that a permit is issued for a designated heritage property.

(By-Law No.2013-141)

**Part VI – Processing And Issuance Of Permits, And Amendments Thereto
cont'd:**

22. The following process shall apply to applications for which approval is not delegated to staff:
- a. Staff shall conduct a technical circulation, undertake a site visit and prepare a report with recommendations which are added to the agenda for Heritage Kingston.
 - b. Heritage Kingston's members will review the application for a permit, and associated plans, drawings etc.
 - c. The City's Code of Conduct for Council and Heritage Kingston's Members applies to members of Heritage Kingston. Notwithstanding what is set out in Paragraph 6.5 of the City's Code of Conduct, members of the public who are appointed to Heritage Kingston must declare any pecuniary interest in a matter being discussed and must physically leave the room during the deliberation of the matter. They may appear as applicant or agent of the applicant during the presentation of the application and to answer Heritage Kingston questions. They must physically leave the room during Heritage Kingston's deliberation and voting on the matter. During the Committee's deliberation of the application if Heritage Kingston has further questions of the member, the member will be invited to return to the meeting to answer questions, following which they shall again leave the room. They must not otherwise communicate with Heritage Kingston members about the matter before, during or after the meeting.
 - d. A recommendation of Heritage Kingston will be forwarded to Council for consideration for approval.
 - e. Following a resolution of Council for approval, the Director shall issue a scope of work outlining the parameters of the permit, and this shall be posted on-site in a location which is visible to the public.

(By-Law No.2013-141; 2016-68)

Part VII – Conditions Of Heritage Approvals

23. All permits issued under this by-law shall be subject to the following conditions and shall be in accordance with the provisions of Section 7 of the City of Kingston Property Standards By-law Number 2005-100, as amended:
- a. Applicants must permit a site inspection as part of the review being undertaken prior to the issuance of a permit;
 - b. No work affecting a heritage attribute of the building is to commence until a scope of work has been issued;
 - 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;

Part VII – Conditions Of Heritage Approvals cont'd:

- d. 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;
- e. Any material change to the plans, specifications, documents, reports or other information that forms the basis upon which a permit is issued requires a further permit application;
- f. The permit holder allows City staff to inspect the work done under the permit;
- g. Such other terms and conditions as the Director deems necessary to maintain the heritage attributes of the property;
- h. Such other terms and conditions as may be required in granting consent to the permit application and issuance of the scope of work; and
- i. All work must be completed within three (3) years of approval of a permit, unless otherwise permitted under e) or f) above. Any work not completed in this allotted time frame may require the submission of a new application for alteration under the heritage legislation.
- j. Notwithstanding the provisions of i. above, where the approved work has been steadily progressing in accordance with the issued scope of work or for any other reasonable cause deemed appropriate by the Director, the permit holder may request a time extension to complete the approved works. Such request must be submitted to the Director at least 90 days prior to the expiration of the three (3) years and must include a timeline for completion of the approved works. In no case will the time extension exceed one (1) year

(By-Law Number 2013-141; 2016-68)

Part VIII – Providing Input on Land Use Planning Applications and Proposals

- 24. Where land development proposals are submitted to the City of Kingston which include property subject to the Ontario Heritage Act, they shall be reviewed by Heritage Kingston in a timely manner concurrently to the greatest extent possible with other municipal departments and committees subject to the following:
 - a. Development applications submitted to the City of Kingston including, but not limited to, amendments to the official plan and zoning by-laws, plans of subdivision, minor variance applications, consent applications filed concurrently with a minor variance application, and site plan control review, which involve a designated heritage property, a property within a Heritage Conservation District or a listed property will be circulated to Heritage Kingston by the Planning, Building & Licensing Services Department for comment;
 - b. Heritage Kingston shall respond to any request for comments received from the Planning, Building & Licensing Services Department for consideration in the report to Planning Committee or the Committee of Adjustment; and

City of Kingston By-law Number 2013-141

Heritage Procedures

**Part VIII – Providing Input on Land Use Planning Applications and Proposals
cont'd**

- c. Where Site Plan Control requires a separate heritage permit application, final decision on the Site Plan Control Application will not be made until the heritage permit application receives consent from Council.

(By-Law No.2013-141; 2016-68)

Part IX – Council Retains Ultimate Authority Under Legislation

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

(By-Law No.2013-141)

Part X – Appeals Under The Heritage Legislation

26. In the event of an appeal under the Ontario Heritage Act, the Notice of Objection shall be placed on the Council agenda as correspondence.

(By-Law No.2013-141)

Part XI – Offense And Restoration Provisions

27. 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 Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended.
28. 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.
29. Where a designated heritage property or a property located in a Heritage Conservation District is altered in contravention of this By-law, in addition to any other penalty imposed pursuant to the provisions of Section 69 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended or pursuant to the Property Standards By-law No. 2005-100, as amended, the City, or the Minister, as the case may be, 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 provisions of the Act.
30. 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.

City of Kingston By-law Number 2013-141

Heritage Procedures

31. Notwithstanding Clause 29 above, and in accordance with the provisions of Section 69 of the Act, the City or the Minister shall not restore the property if, in the opinion of the City or the Minister, 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.
32. Where the provisions of this By-law have been contravened, the process to address the contravention shall be as follows:
 - a. The Director 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 Director shall review with the Prosecutor who may determine whether formal processes are warranted as follows:
 - i. The Prosecutor 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 No. 2005-100, 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. Where the investigation reveals that the property owner unknowingly contravened the By-law, the Director may exercise discretion in consultation with Legal Services to resolve the contravention by alternative means. The Director 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. Where deemed appropriate, the Director may recommend that the property owner enter into a Heritage Conservation Easement Agreement with the City, to be registered on title, to ensure that the current and future owners are aware of the requirements to obtain necessary approvals for alterations to a designated heritage property. Any Heritage Conservation Easement Agreement shall be referred by the Director to Heritage Kingston for review and recommendation to Council.

(By-Law No.2013-141; 2016-68)

City of Kingston By-law Number 2013-141

Heritage Procedures

Part XII – Validity

33. If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
34. Where a provision of this By-law conflicts with the provision of another By-law in force in the City, the provisions that establish the higher standards to protect the City's cultural heritage resources prevails.

(By-Law No.2013-141; 2016-68)

Part XIII – Administration

35. This By-law shall be administered by the Director

Part XIII – Commencement

Schedule 'A'

Requirements for a Permit Application

- 1) The name, address, telephone number, and e-mail address of the Owner or 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 as described in the Designation By-law;
- 4) Drawings of the proposed work showing materials, colours, dimensions, massing and extent of the work;
- 5) Written specifications for the proposed work;
- 6) Photographs showing the existing building or landscape condition;
- 7) Documents pertaining to the proposal, including if relevant, archival photographs, pictures or plans of similarly styled buildings in the community;
- 8) A signed statement by the owner authorizing the application, if submitted by an agent;
- 9) As may be required, a Heritage Impact Statement prepared by a Built Heritage Specialist; and
- 10) Any other information related to the application as required by the Director.

(By-Law No.2013-141; 2016-68)

City of Kingston By-law Number 2013-141

Heritage Procedures

Schedule 'B'
Requirements for a Permit to Demolish a Protected Heritage Building or
Remove a Designation By-law

- 1) The name, address, telephone number, and e-mail address of the owner or the owner's authorized representative or agent;
- 2) A site plan or sketch showing the location of the proposed demolition or removal;
- 3) Photographs showing the existing building or landscape condition including all elevations;
- 4) 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;
- 5) A signed statement by the owner authorizing the application, if submitted by an agent;
- 6) As may be required, a Heritage Impact Statement prepared by a Built Heritage Specialist; and
- 7) Any other information related to the application as required by the Director.

(By-Law No.2013-141; 2016-68)

Delegated Authority Heritage Approvals - June 13, 2018 to October 30, 2020

| File Number (P18) | Address | Scope of Work | Designation Status | Date Approved |
|------------------------------|----------------------|---|--|--------------------------|
| P18-073-2018 | 104 Queen St. | Window repair/replacement on front façade | Part IV | 11-Jul-18 |
| P18-074-2018 | 297 King St. E. | Relocate gas lines from NE corner to Clarence St. side. | Market Square HCD | 24-Sep-18 |
| P18-085-2018 | 87-89 Wellington St. | Emergency approval to stabilize rear wing addition | Old Sydenham HCD | 17-Aug-18 |
| P18-087-2018 | 157-161 Queen St. | Repair to chimney | Part IV | 03-Aug-18 |
| P18-088-2018 | 199 King St. E. | Masonry pointing on side and rear elevations | Old Sydenham HCD | 14-Aug-18 |
| P18-089-2018 | 197 King St. E. | Masonry pointing on side and rear elevations | Old Sydenham HCD | 14-Aug-18 |
| P18-091-2018 | 315 Bagot St. | Replace roofing like for like | Part IV | 03-Aug-18 |
| P18-095-2018 | 110 Montreal St. | Replace basement window on front elevation, like for like | Part IV | 14-Aug-18 |
| P18-101-2018 | 661 King St. W. | Replace four windows and one door, like for like | Part IV / HEA | 03-Oct-18 |
| P18-104-2018 | 262 Main St. | Repair front porch stairs, like for like | Barriefield HCD | 19-Sep-18 |
| P18-106-2018 | 167 Ontario St. | Replacement signs, masonry repair and repaint front door | Part IV | 20-Sep-18 |
| P18-107-2018 | 69 Lower Union St. | Repair wooden porch, like for like and replace railings | Old Sydenham HCD Old Sydenham HCD / | 19-Sep-18 |
| P18-111-2018 | 38 Clergy St. E. | Replace window in front dormer | Part IV Old Sydenham HCD / | 27-Sep-18 |
| P18-112-2018 | 7 Maitland St. | Replace roofing and eave troughs, like for like | Part IV Old Sydenham HCD / | 28-Sep-18 |
| P18-113-2018 | 286 Johnson St. | Replace roofing, like for like | Part IV | 24-Sep-18 |
| P18-115-2018 | 202 Main St | Emergency approval to replace roofing, and repair masonry where leaking | Barriefield HCD | 25-Sep-18 |
| P18-117-2018 | 62 College St. | Replace five storm windows | Part IV Old Sydenham HCD / | 23-Oct-18 |
| P18-119-2018 | 250 King St. E. | Repair a piece of wooden crown molding | Part IV Old Sydenham HCD / | 11-Oct-18 |
| P18-120-2018 | 244 King St. E. | Repair wooden features on porch (pillars, lattice, decking) and repaint | Part IV | 15-Oct-18 |
| P18-121-2018 | 44 Princess St. | Repair wooden features and repaint front elevation | Part IV | 10-Oct-18 |
| P18-126-2018 | 3722 Hwy 2 | Repoint chimney | Part IV | 19-Oct-18 |
| P18-127-2018 | 965 Sydenham Rd. | Replace ground sign | Part IV Old Sydenham HCD / | 08-Nov-18 |
| P18-129-2018 | 222 Johnson St. | Repair five existing sash windows and replace five storm windows | Part IV | 05-Nov-18 |

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|--------------|----------------------|--|-------------------------------|-----------|
| P18-130-2018 | 199 King St. E. | Replace two windows on rear wall | Old Sydenham HCD | 08-Nov-18 |
| P18-131-2018 | 160 Earl St. | Replace roofing, like for like | Old Sydenham HCD / Part IV | 05-Nov-18 |
| P18-136-2018 | 3012 Creekford Rd. | Masonry repairs to east and west sides of dwelling and porch wall | Part IV | 21-Dec-18 |
| P18-137-2018 | 3012 Creekford Rd. | Masonry repairs to basement access walls and staircase and repairs to wooden hatch and soffits and fascia | Part IV | 25-Jan-19 |
| P18-138-2018 | 235 Frontenac St. | Masonry repairs to south elevation | Part IV | 23-Jan-19 |
| P18-139-2018 | 297 King St. E. | One year extension of timeline for approval P18-038-2015 | Market Square HCD | 11-Apr-19 |
| P18-001-2019 | 222 Johnson St. | Recoat metal roofing with Gaco silocone coating | Old Sydenham HCD / Part IV | 30-Jan-19 |
| P18-008-2019 | 27 Princess St. | Replace signage | Part IV | 26-Feb-19 |
| P18-010-2019 | 75 Brock St. | Replace signage | Part IV | 07-Mar-19 |
| P18-012-2019 | 168 Stuart St. | Replace roofing, like for like | HEA | 12-Mar-19 |
| P18-013-2019 | 126 Wellington St. | Replace roofing and eave troughs, like for like | Part IV | 18-Mar-19 |
| P18-019-2019 | 20 Market St. | Replace signage | Market Square HCD | 04-Apr-19 |
| P18-020-2019 | 176 Mowat Ave. | Replace windows on front elevation and repair surrounds | Part IV | 10-Apr-19 |
| P18-021-2019 | 46 Simcoe St. | One year extension of timeline for approval P18-042-2016 | Old Sydenham HCD / Part IV | 07-May-19 |
| P18-022-2019 | 85 King St. E. | One year extension of timeline for approval P18-042-2016 | Old Sydenham HCD / Part IV | 07-May-19 |
| P18-023-2019 | 948 Hwy 2 | Install new mechanical vent | Part IV | 01-Apr-19 |
| P18-027-2019 | 251 Brock St. | Repair and repaint wooden features on south-east elevation | NHS / Part IV | 09-May-19 |
| P18-028-2019 | 114 Yonge St. | Repair two front entrances on south elevation and window of north elevation | Part IV | 10-Apr-19 |
| P18-030-2019 | 81 King St. E. | Amend approval P18-105-2018 to permit wood sliding doors with fixed glazing on west elevation | Old Sydenham HCD / Part IV | 23-Apr-19 |
| P18-032-2019 | 73 Baiden St. | Repair four sash windows, replace four storm windows, replace two doors, and repair and repaint front entrance porch | Part IV | 07-May-19 |
| P18-033-2019 | 87-89 Wellington St. | Painting of door and window frames | Old Sydenham HCD | 13-May-19 |
| P18-034-2019 | 92 Sydenham St. | One year extension of timeline for approval P18-061-2016 | Old Sydenham HCD / Part IV | 12-Jun-19 |
| P18-038-2019 | 370 King St. W. | Mechanical venting on south east side | Part IV | 09-May-19 |

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| P18-040-2019 | 974 Sydenham Rd. | Replace roofing, like for like | Part IV | 05-Jul-19 |
| P18-043-2019 | 50 Montreal St. | Repair wooden staircase, like for like | Part IV | 05-Jul-19 |
| P18-044-2019 | 55 Earl St. | Masonry repair to chimney on west elevation | Old Sydenham HCD / Part IV | 15-Jul-19 |
| P18-048-2019 | 113 Johnson St. | Masonry repairs on north and west walls | Part IV | 09-Jul-19 |
| P18-053-2019 | 216 Ontario St. | Install 15 way-finding signs on main floor | NHS / Part IV / Market Square HCD | 29-Aug-19 |
| P18-054-2019 | 178 Ontario St. | Replace signage and paint façade | Part IV | 26-Jul-19 |
| P18-055-2019 | 157-161 Queen St. | Replace five windows and one door on Montreal Street side, with one large window, one sash window and a panel door. | Part IV | 29-Aug-19 |
| P18-056-2019 | 215 Main St. | Emergency approval to replace roofing | Barriefield HCD | 23-Jul-19 |
| P18-057-2019 | 216 Ontario St. | Repainting intrerior walls in lower level | NHS / Part IV / Market Square HCD | 29-Aug-19 |
| P18-060-2019 | 110 Collingwood St. | Replace eaves troughs and downspouts | Part IV | 15-Aug-19 |
| P18-061-2019 | 181 Sydenham St. | Emergency approval to install security fencing and gate | Part IV | 23-Aug-19 |
| P18-062-2019 | 305 Rideau St. | Replace four windows and three doors | Part IV / HEA | 18-Sep-19 |
| P18-064-2019 | 5 Court St. | Repointing portions of the main staircase | NHS / HEA / Part IV / Old Sydeham HCD | 19-Sep-19 |
| P18-065-2019 | 75 Lower Union St. | Replace roofing, like for like | Old Sydenham HCD / Part IV | 17-Oct-19 |
| P18-067-2019 | 81 King St. E. | Amend approval P18-040-2018, to permit wooden fence along north-east lot line | Old Sydenham HCD / Part IV | 14-Nov-19 |
| P18-070-2019 | 35 Brock St. | Replace roofing, like for like | Old Sydenham HCD | 07-Nov-19 |
| P18-072-2019 | 10 Badar Lane | Replace windows in select areas on second, third and fourth floors | HEA | 03-Dec-19 |
| P18-074-2019 | 194 Johnson St. | Widen existing driveway | Old Sydenham HCD / Part IV | 22-Nov-19 |
| P18-079-2019 | 450 Princess St. | Repair stone and concrete porch, pillars and sculptures, and replace windows | Part IV | 10-Jan-20 |
| P18-087-2019 | 2 Sharman's Ln. | Repair, restore and repaint storm and sash windows. | Barriefield HCD | 23-Apr-20 |
| P18-003-2020 | 72 Earl St. | Replace front door and transom | Old Sydenham HCD | 11-Mar-20 |
| P18-011-2020 | 29 Queen St. | Mechanical venting and HVAC on roof | Part IV | 07-Apr-20 |
| P18-014-2020 | 157-161 Queen St. | Replace windows on upper floors | Part IV | 07-Apr-20 |
| P18-015-2020 | 104 Montreal St. | Repair, restore and repaint street-facing sash windows. | Part IV | 24-Apr-20 |
| P18-016-2020 | 66 Brock St. | Replace signage | Part IV | 07-Apr-20 |

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| P18-018-2020 | 965 Sydenham Rd. | Repair portions of stone retaining wall | Part IV Old Sydenham HCD / | 07-Apr-20 |
| P18-020-2020 | 115 Lower Union St. | Replace roofing, like for like | Part IV | 07-Apr-20 |
| P18-021-2020 | 47 William St. | Repair elements of front, side and rear porches with like materials and colours | Old Sydenham HCD | 07-Apr-20 |
| P18-023-2020 | 1373 Princess St. | Repair all soffits, fascia and rain gear | Part IV | 24-Apr-20 |
| P18-025-2020 | 1572 Sunnyside Rd. | Replace roofing, windows, doors, and repair soffits and fascia | Part IV Old Sydenham HCD / | 24-Apr-20 |
| P18-027-2020 | 286 Johnson St. | Repair elements of front porch | Part IV | 24-Apr-20 |
| P18-028-2020 | 125 Brock St. | Repair and repaint wooden door surround, corbel and cornice | Part IV | 24-Apr-20 |
| P18-029-2020 | 217 Main St. | Repair and restore windows and install new wooden storms | Barriefield HCD Old Sydenham HCD / | 07-May-20 |
| P18-030-2020 | 232 King St. E. | Replace rear fence | Part IV | 07-May-20 |
| P18-031-2020 | 65 West St. | Repair metal eaves, balcony guard and roofing; minor masonry repairs; repair and reglaze windows; and repair and repaint front door, window frames and front porch | Old Sydenham HCD / Part IV | 24-Apr-20 |
| P18-041-2020 | 95 King St. E. | Emergency approval to repair to two brick chimnies | Old Sydenham HCD / Part IV | 17-Apr-20 |
| P18-043-2020 | 45 King St. E. | Emergency approval to repair of limestone boundary wall with 49 King St. E. | Old Sydenham HCD / Part IV | 27-Apr-20 |
| P18-044-2020 | 432 Princess St. | Repairs to porch and balcony ballustrade | Part IV Old Sydenham HCD / | 02-Jun-20 |
| P18-045-2020 | 115 Lower Union St. | Repair and replace select windows and remove sash windows | Part IV | 19-Jun-20 |
| P18-046-2020 | 185 William St. | Repairs to roofing and cresting | Old Sydenham HCD / Part IV | 03-Jul-20 |
| P18-048-2020 | 84 Lower Union St. | Emergency approval for roofing replacement and repairs to soffit and decorative whorls | Old Sydenham HCD Old Sydenham HCD / | 28-Jul-20 |
| P18-051-2020 | 141 King St. E. | Emergency approval for roofing repairs | Part IV | 27-May-20 |
| P18-052-2020 | 62 Fifth Field Co. Ln. | Install mechanical venting louvers | HEA Old Sydenham HCD / | 27-Jul-20 |
| P18-053-2020 | 41 William St. | Roofing replacement | Part IV | 12-Aug-20 |
| P18-054-2020 | 244 King St. E. | Roofing replacement | Old Sydenham HCD / Part IV | 12-Aug-20 |
| P18-055-2020 | 2268 Sydenham Rd. | Roofing replacement | Part IV | 12-Aug-20 |

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| P18-057-2020 | 55 Brock St. | Replacing signage | Part IV Old Sydenham HCD / | 08-Jul-20 |
| P18-058-2020 | 30 Sydenham St. | Window repair and construction of new storm windows and repainting | Part IV | 23-Jun-20 |
| P18-059-2020 | 199 King St. E. | Repair wooden front porch with like materials and repaint | Old Sydenham HCD | 31-Jul-20 |
| P18-060-2020 | 197 King St. E. | Repair concrete front porch with like materials | Old Sydenham HCD | 31-Jul-20 |
| P18-061-2020 | 33 Bagot St. | Roofing and siding replacement | Old Sydenham HCD | 31-Jul-20 |
| P18-062-2020 | 116 Bagot St. | Repair soffits, fascia and freeze board and repaint | Old Sydenham HCD / Part IV | 03-Nov-20 |
| P18-063-2020 | 194 Johnson St. | Replace rain gear and repair soffits and fascia | Part IV | 09-Jul-20 |
| P18-067-2020 | 251 Ontairo St. | Replace front door | Part IV | 10-Aug-20 |
| P18-071-2020 | 432 Princess St. | Replacing signage | Part IV | 13-Aug-20 |
| P18-072-2020 | 5 Court St. | Repair to portions of side entrance staircase and sidewalk Replace windows and rain gear; repair and reshingle roof; minor | NHS / HEA / Part IV / Old Sydenham HCD | 01-Sep-20 |
| P18-074-2020 | 168 Wellington St. | masonry repairs; and install rooftop mechanical equipment | Part IV Old Sydenham HCD / | 19-Aug-20 |
| P18-078-2020 | 250 King St. E. | Repair to existing rear porch Repairs to porch, door and windows. Install HVAC units and hydro | Part IV | 03-Nov-20 |
| P18-080-2020 | 98 Clergy St. E. | metres | Part IV | 22-Sep-20 |
| P18-084-2020 | 14 Rideau St. | Roofing replacement | Part IV | 24-Sep-20 |
| P18-088-2020 | 168 Wellington St. | Emergency approval to repara north stucco wall | Part IV | 16-Sep-20 |
| P18-089-2020 | 267 Ontario St. | Replacement signage | Part IV | 03-Nov-20 |
| P18-090-2020 | 86 Sydenham St. | Replace a number of doors and windows Amend approval P18-040-2018 to permit wood siding on east wall of | Old Sydenham HCD / Part IV | 21-Oct-20 |
| P18-091-2020 | 81 King St. E. | garage addition | Part IV | 22-Oct-20 |
| P18-092-2020 | 12 Rideau St. | Roofing replacement | Part IV | 29-Sep-20 |
| P18-093-2020 | 225 Mowat Ave. | Emergency approval to replace roofing | Part IV | 30-Sep-20 |
| P18-094-2020 | 228 James St. | Emergency approval to replace roofing | Barriefield HCD Old Sydenham HCD / | 05-Oct-20 |
| P18-095-2020 | 1 King St. E. | One year extension of timeline for approval P18-094-2017 | Part IV Old Sydenham HCD / | 03-Nov-20 |
| P18-096-2020 | 49 King St. E | Emergency approval to repair roof drainage | Part IV | 16-Oct-20 |

Schedule B-4 – Advisory Committees

Committee Name: Heritage Kingston

The mandate and activities of Heritage Kingston will address the broad array of issues, opportunities and projects related to Kingston's cultural heritage and lead by example in terms of responsible stewardship. By definition, cultural heritage includes a combination of tangible, intangible and natural resources and it is the responsibility of Heritage Kingston to apply its knowledge and expertise in all these areas. Heritage Kingston is also appointed in accordance with the *Ontario Heritage Act* that provides a framework within which municipalities can ensure the conservation of properties of cultural heritage value or interest. In all matters, Heritage Kingston's role is advisory and consultative and is involved in educating and informing the community about matters related to Kingston's cultural heritage.

Composition (As Appointed by Council):

Two (2) members of City Council (appointed annually).

Nine (9) members of the public that represent a balanced cross-section of local interests and perspectives and that demonstrate an understanding and appreciation of Kingston's cultural heritage resources.

Accordingly, Heritage Kingston's membership should possess a diversity of skills, experience and qualifications including:

- Cultural heritage, local history and historical research (prioritized);
- Architectural history (prioritized);
- Architectural heritage conservation approaches and trades-work (prioritized);
- Land use planning policies and regulations and/or familiarity with the Ontario Heritage Act;
- Museum policy development, collections development and management (prioritized);
- Community engagement strategies and techniques;
- Effective marketing strategies and approaches; and
- Cultural tourism"

The foregoing skills, experience and qualifications shall be considered during the nomination process and be represented on Heritage Kingston in a balanced manner.

Term of Appointment: Staggered term of two to four years

Meetings: Heritage Kingston shall meet monthly. The day and time of the meeting shall be established by Heritage Kingston. Additional meetings may be called by the Chair as necessary.

Schedule B-4 – Advisory Committees cont'd

Mandate/Terms of Reference:

1. **General:** Council shall consult with Heritage Kingston on matters as required either by the *Ontario Heritage Act*, as specified through the passing of a By-law, the City's Official Plan, By-law Number 2013-141, A Procedural By-law for Heritage, or as set out in this Mandate / Terms of Reference. All final decisions rest with Council except where Council has delegated approval authority to staff or to Heritage Kingston.
2. **Scope of Activities - Statutory:** Council shall consult with Heritage Kingston on the following activities which are authorized by the provisions of the *Ontario Heritage Act*.
 - a. Identification of built heritage resources by undertaking ongoing research and evaluation of properties and areas for protection under the *Ontario Heritage Act*; and making recommendations for updates to the municipal register of heritage properties respecting properties listed in accordance with Council direction.
 - b. Protection of built heritage resources through recommendations respecting properties of significant cultural heritage value or interest to be protected by designation in accordance with the Council direction; content of the Designation By-law in accordance with the requirements of the *Ontario Heritage Act*; amendments to, or requests to repeal all, or part of, a Heritage Designation By-law; and By-laws to establish easements or covenants with owners of real property for conserving properties of cultural heritage value or interest.
 - c. Designation of Heritage Conservation Districts – make recommendations to define a study area for a future Heritage Conservation District as well as the approval of a Heritage Conservation District Plan.
 - d. Alterations or Demolitions – make recommendations regarding applications to alter (where the application is likely to affect the property's heritage attributes as set out in the Designation By-law) or demolish affecting Part IV designated heritage properties or applications to demolish or remove any building or structure on property within a Heritage Conservation District.
3. **Provide Input on Land Use Planning Applications and Proposals:** Provide advice to the land use planning process where cultural heritage resources are located on or adjacent to properties that are the subject of development applications, including, but not limited to, amendments to the official plan and zoning by-laws, plans of subdivision, minor variance applications, consent applications filed concurrently with a minor variance application, and site plan control review.

Schedule B-4 – Advisory Committees cont'd

4. **Scope of Activities – Museums and Civic Collection:** The City of Kingston is responsible for managing the MacLachlan Woodworking Museum, the Pump House Steam Museum, Kingston City Hall National Historic Site and a sizeable civic collection. They exist as part of a larger network of museums in Kingston and, in that context, Heritage Kingston shall provide advice to Council regarding the two City-owned museums, Kingston City Hall National Historic Site, the civic collection and the museums sector as a whole in accordance with the following:
 - a. Heritage Kingston will act as the City's Museums Advisory Committee and will provide advice, demonstrate leadership and serve as an avenue of communication to Council regarding the two City-owned museums, Kingston City Hall National Historic Site and the civic collection as well as stakeholders with a vested interest in the City's history and museums and other related cultural heritage resources;
 - b. Heritage Kingston will advise Council on civic collections management, and collections development and related policies, collections acquisitions and de-accessions, and other collections-based matters;
 - c. Heritage Kingston will seek to enhance the role of Kingston's museums within the community and will advise Council as to current best practices, issues of concern and the overall state of the museums sector.
5. **Scope of Activities – Policy Development / Implementation –** Heritage Kingston will provide advice related to the development, implementation and/or review of policy respecting:
 - a. The City of Kingston Official Plan;
 - b. Council's Strategic Priorities;
 - c. The Kingston Culture Plan;
 - d. The Integrated Cultural Heritage and Cultural Tourism Strategy;
 - e. The Kingston Commemoration Policy;
 - f. The incorporation of accessibility issues into heritage buildings and structures;
 - g. The creation and review of a framework and policy for collecting, narrating, and commemorating the Kingston story;
 - h. The development of municipal heritage conservation guidelines and significance criteria, and municipal heritage policies, plans and programs.

Schedule B-4 – Advisory Committees cont'd

6. Scope of Activities – Cultural Heritage and Public Education:

Heritage Kingston will promote community understanding, appreciation of and pride in local history by:

- a. Championing all aspects of Kingston's cultural heritage resources, tangible, intangible and natural;
- b. Developing working relationships with owners of heritage designated properties through such means as the resources available at the Heritage Resource Centre;
- c. Communicating with the general public as well as the Frontenac Heritage Foundation, Kingston Historical Society, Kingston Association of Museums, Art Galleries and Historic Sites (KAM) and other like groups to promote Kingston's cultural heritage;
- d. Informing the development of frameworks and policies that can be used to interpret Kingston's cultural heritage;
- e. Developing educational materials that promote Kingston's cultural heritage and contributing to the development of new content/display materials for the Heritage Resource Centre.

7. Working Groups: Council may authorize creation of temporary Working Groups on certain specific subject matters related to duties as approved by Council in association with other municipal committees, other organizations and members of the public. Working Group authorizations shall be reviewed annually.

The following three Working Groups are deemed necessary to assist Heritage Kingston in fulfilling its Mandate/Terms of Reference:

Heritage Properties Working Group: This Working Group shall be primarily responsible for researching information to support the designation of properties under the Ontario Heritage Act or the listing of properties on the City's Heritage Properties Registry. This Working Group will also support owners of heritage properties through information sharing and education.

Cultural Heritage Working Group: This Working Group shall provide reports and make recommendations to Heritage Kingston respecting the following matters:

- Champion all aspects of Kingston's cultural heritage - including natural, tangible and intangible elements – with a particular emphasis on intangible elements;
- Promote Kingston's cultural heritage through initiatives that align with the City's strategic priorities and the Official Plan as well as the recommendations of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy;

Schedule B-4 – Advisory Committees cont’d

- Support the implementation of other relevant policies such as the Kingston Commemoration Policy;
- Develop educational materials and contribute to the development of new content/display materials for the Heritage Resource Centre to support community awareness and appreciation of Kingston’s cultural heritage;
- Provide input related to the City of Kingston Heritage Fund.

Heritage Assets Working Group: This Working Group shall provide reports and make recommendations to Heritage Kingston with respect to the following:

- Address issues that impact the City-owned museums, including the fulfillment of museum standards for the purposes of CMOG Grants;
- Support the development and implementation of comprehensive Collections Management and Collections Development Plans for the civic collection as a whole housed, in part, within the Pump House Steam Museum, MacLachlan Woodworking Museum and City Hall National Historic Site, including recommendations for acquisitions or de-accessions;
- Enhance the role of Kingston’s museums and other heritage assets within the community.

8. **Annual Report:** Heritage Kingston must submit an Annual Report to Council, on or before May 31 each year, with respect to the matters outlined in Section 2.5 of this By-law.

(By-law Number 2010-205; 2016-3; 2016-67; 2016-78)

CITY OF KINGSTON
MEMBER CODE OF CONDUCT
[March 29, 2017]

1.0 Application

1.1 This Code of Conduct applies to Members of Council, including the Mayor, and, unless specifically provided, with necessary modifications to all Committees, which are defined as local boards in the *Municipal Act, 2001*.

1.2 All Members of Council and Committees are expected to follow this Code of Conduct, the Council Procedural By-Law and other sources of applicable law. The conduct of Members is also governed by these laws:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Human Rights Code*
- *Occupational Health and Safety Act*
- *Provincial Offences Act*
- *Criminal Code*

2.0 Statement of Principles

2.1 This Code of Conduct is intended to set a high standard of conduct for Members of Council, in order to provide good governance and a high level of public confidence in the administration for the City.

2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve the public in a conscientious and diligent manner;
- Members shall act with integrity and avoid the improper use of the influence of their office;
- Members shall always act and are expected to perform their functions with integrity, accountability and transparency, and shall avoid the

improper use of influence of their office and conflicts of interest, both apparent and real;

- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and will bear public scrutiny;
- Members will uphold the letter and spirit of the laws of Canada, Ontario and the laws and policies adopted by Council.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (b) “City” means the Corporation of the City of Kingston;
- (c) “Committee” means any advisory or other committee, subcommittee or similar entity, as listed in Appendix “A”, and as established from time to time by Council. Committees are subject to the procedural rules set out in Appendix “B” and Heritage Kingston is governed by the provisions of Bylaw 13-141 where there is a conflict with the provisions of Appendix “B”;
- (d) “Council” shall mean the Council for the City;
- (e) “Member” means a member of the Council for the City or a member of a Committee of the City;
- (f) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person or entity that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises;
- (g) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (h) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.0 Responsibilities of Council

- 4.1 Council is responsible for and dedicated to providing good and effective government for the public in the City in an open, accountable and transparent manner.
- 4.2 A fiduciary relationship exists between the Council and residents of the City.
- 4.3 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for Committees. The authority to act on behalf of Council, including through a Committee, can only be delegated by Council or through law.

5.0 General Obligations

- 5.1 In carrying out their duties, Members are expected to:
 - (a) make every effort to act with good faith and care;
 - (b) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or Committee and in accordance with the City's Procedural By-law or other applicable procedural rules and policies;
 - (c) seek to advance the public interest with honesty;
 - (d) refrain from making statements known to be false or with the intent to mislead Council or the public; and
 - (e) refrain from making disparaging comments about another Member or unfounded and speculative accusations about the motives of another Member.

6.0 The Role of Staff

- 6.1 Council as a whole approves budget, policy and governance of the City through its by-law and resolutions. Individual Members do not direct or oversee the functions of the administration or staff of the City or a Committee.
- 6.2 The City's administration and staff serve Council and work for the City under the direction of the chief administrative officer. Inquiries of staff from Members of Council should be directed to the chief administrative officer or the appropriate senior staff as directed by the chief administrative officer.
- 6.3 Members shall respect the role of staff in the administration of the business affairs of the City and in doing so comply with the City's Respect in the Workplace Policy. Members shall respect that:

- (a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that Members must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
- (b) staff work within the administration of justice and Members must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity;
- (c) staff carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, Members must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

7.0 City Property

- 7.1 Council is the custodian of the assets of the City. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 7.2 By virtue of their office or appointment, Members must not use or permit the use of City land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the City. No Member shall seek financial gain for themselves, family or friends from the use or sale of City-owned intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the City.

8.0 Gifts and Benefits

- 8.1 Gifts to Members risk the appearance of improper influence. Gifts may improperly induce influence or create an incentive for Members to make decisions on the basis of relationships rather than in the best interests of the municipality. No Member shall accept a fee, advance, gift, gift certificate, cash or personal benefit connected directly or indirectly with the performance of his or her duties. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Any doubt about the propriety of the gift should be resolved by the Member not accepting or keeping it.

- 8.2 For greater clarity, Members shall not accept any gift or benefits in their public capacity other than in the following circumstances:
- (a) compensation authorized by law;
 - (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) a political contribution otherwise reported by law, in the case of Members running for office;
 - (d) services provided without compensation by persons volunteering their time;
 - (e) a suitable memento of a function honouring the Member;
 - (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity;
 - (g) food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate business purpose,
 - (ii) the person extending the invitation or a representative of the organization is in attendance, and
 - (iii) the value is nominal and the invitations are rare;
 - (h) gifts of nominal value (for example, a baseball cap, t-shirt, flash drive, book, etc.); and
 - (i) any gift or personal benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

9.0 Confidentiality

- 9.1 Members receive confidential information from a number of sources as part of their work. This includes information received in confidence by the City that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council or Committees.
- 9.2 No Member shall disclose the content of any such matter, or the substance of deliberations, of a closed meeting and the Member has a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 9.3 Members must not disclose, use or release information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the City that is relevant to matters before the Council, a Committee or a local board. Otherwise, Members enjoy the same access rights to information as any other member of the community and must follow the same processes as any private citizen to obtain such information.
- 9.4 Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or as required by law.

10.0 Discrimination and Harassment

- 10.1 All Members have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

11.0 Improper Use of Influence

- 11.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.
- 11.2 Members should not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person.
- 11.3 Members who are asked to support charitable activity within the community may do so by accepting honorary roles, lending their names to organizations or events and encouraging public support of events. In doing so, Members shall ensure that they do not have a conflict between their private interest and their duties to the public. Members shall not directly solicit funds nor

receive funds for charitable purposes in their role as a Member. Members shall remain at arms-length from financial aspects of external events which they support in their public capacity and shall not participate in decisions concerning the disbursement of funds or determining the beneficiaries of the funds.

12.0 Conflicts of Interest

12.1 Members shall take appropriate steps to avoid conflicts of interest, both apparent and real. Proactive steps to mitigate conflict of interest is important to maintaining public confidence in elected officials. Members are encouraged to seek guidance from the Integrity Commissioner on becoming aware that they may have a conflict between their responsibilities to the public as a Member of Council and any other interest, pecuniary or non-pecuniary.

13.0 Council Policies and Procedures

13.1 Members are required to observe the terms of policies, procedures and rules established by Council or the Committee

14.0 Election Activity

14.1 Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*, as may be amended from time to time, and any City policies. The use of City resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

15.0 Respect for the Code of Conduct

15.1 Members should respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the City. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation.

15.2 Members are expected to cooperate with requests for information during investigations under the Code of Conduct. Members shall not destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been lodged under the Code of Conduct or any process for complaints adopted by the City.

16.0 Penalties for Non-Compliance with the Code of Conduct

16.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct, Council may impose either of

the following penalties on the Member as permitted by the *Municipal Act, 2001*:

- (a) a reprimand;
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period up to 90 days.

Council may, on the basis of a recommendation from the Integrity Commissioner also take any or all of the following actions in furtherance of any penalty imposed and require that the Member:

- (i) provide a written or verbal apology,
- (ii) return property or make reimbursement of its value or of money spent,
- (iii) be removed from the membership of a Committee,
- (iv) be removed as chair of a Committee.

APPENDIX “A”

Standing Committees

- Administrative Policies Committee
- Environment, Infrastructure and Transportation Policies Committee
- Arts Recreation & Community Policies Committee
- Planning Committee

Advisory Committees

- The Kingston Environmental Advisory Forum (KEAF)
- Milton Cemetery Board
- Heritage Kingston
- Pine Grove Cemetery Board
- Municipal Accessibility Advisory Committee
- Nomination Advisory Committee
- Rural Advisory Committee
- Housing and Homelessness Advisory Committee

Legislated Committees

- Appeals Committee
- Committee of Adjustment
- Court of Revision – Municipal Act Requirements
- Court of Revision – Drainage Act Requirements
- Kingston Election Compliance Audit Committee

Advisory Committee Reporting To A Committee

- Central Pittsburgh Drain Committee
- Arts Advisory Committee

APPENDIX "B"

Procedural Code for Committees

6.1 Members of the public appointed to Committees are appointed at the pleasure of Council and may be removed at the pleasure of Council. They do not hold office as elected officials nor do they represent either Council or the Committee unless mandated to do so. Members of the public appointed to Committees must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.

6.2 Committees operate only within meetings for which proper notice has been given or as a matter duly added to an agenda.

6.3 Committees work often depends on the specific expertise of members of the public appointed to Committees, including their employment or business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest should still be declared, however, for the purposes of openness.

6.4 Committees are either advisory or quasi-judicial in nature, or have a management function.

- (i) An advisory Committee provides Council with information or recommendations on matters related to their mandate for a Council decision.
- (ii) Quasi-judicial committees, such as the Appeals Committee and the Committee of Adjustment, make decisions that are not subject to Council approval but may be the subject of an appeal to another body, such as the Ontario Municipal Board.
- (iii) A management committee has responsibility for the management of an entity such as a cemetery.

6.5 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with an advisory role must declare the pecuniary interest in a matter being discussed. The member may participate in the discussion but may not vote on the matter.

6.6 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with a quasi-judicial role or with a management function must declare the pecuniary interest in a matter being discussed, must physically leave the room during the discussion of the matter, and must not communicate with Committee members about the matter before, during, or after the meeting at which the matter is discussed.

6.7 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and recorded clearly so that they can be relied upon by Council or the standing committee acting upon them.

6.8 The minutes of a committee meeting must record when any member has declared an interest (section 6.3) or a pecuniary interest (sections 6.5 and 6.6) as well as the circumstances in which the member left the room, the times at which the person left and returned to the meeting.

6.9 In addition to the recording of minutes as required by section 6.8, where:

- (i) a member of an advisory committee has declared a pecuniary interest (section 6.5); or
- (ii) a member of a management committee has declared a pecuniary interest (section 6.6)

The declaration as well as the nature of the pecuniary interest must be recorded as part of the recommendation to Council so that Council may be aware of the declaration when making its decision.