



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
HERITAGE BY-LAW 109-16**

**WHEREAS** section 11(3)5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-laws within the following sphere of jurisdiction: culture, parks, recreation and heritage;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001* provides that section 11 of the Municipal Act, 2001 authorize a municipality to delegate its powers under the Municipal Act, 2001 or any Act, subject to certain limitations;

**AND WHEREAS** section 227 of the *Municipal Act, 2001* provides that it is the role of officers and employees of the municipality to implement Council decisions and establish practices and procedures to implement those decisions;

**AND WHEREAS** approval from the Council of The Corporation of the City of Mississauga is required for the alteration or demolition of properties designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the "Act") and for properties located in heritage conservation districts designated under Part V of the Act;

**AND WHEREAS** sections 33 (15) and 42 (16) of the Act, respectively, provide that Council may delegate its authority to consent to alterations of properties designated under Part IV of the Act and to alterations of properties located in a Heritage Conservation District designated under Part V of the Act;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga wishes to create a single permit system whereby landowners may obtain necessary approvals for the alteration, erection, demolition, or removal of properties designated under Part IV of the Act or located in Heritage Conservation Districts designated under Part V of the Act and for requests for the repealing of designating By-laws made under Part IV of the Act;

**AND WHEREAS** pursuant to sections 33(15) and 42(16) of the Act, the Council of The Corporation of the City of Mississauga consulted with its Heritage Advisory Committee;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows:

**SHORT TITLE**

1. This By-law may be referred to as the "Heritage By-law".

**DEFINITIONS**

2. For the purposes of this By-law:
  - (1) "**Act**" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
  - (2) "**alter**" means to change in any manner and includes to restore, renovate, repair, erect or disturb; and "alteration" and "altering" have corresponding meanings;
  - (3) "**City**" means The Corporation of the City of Mississauga;
  - (4) "**Clearance Certificate**" means a certificate issued by the City in a form approved by the Director which states that alterations proposed by an Owner are not prohibited by the City;
  - (5) "**Council**" means the elected Council of The Corporation of the City of Mississauga;

- (6) **“Designated Property”** means a Property that is designated as a heritage property under Part IV of the Act;
- (7) **“Director”** means the City’s Director, Culture Division, and includes his/her designate;
- (8) **“Heritage Advisory Committee”** or “HAC” means, the advisory committee of Council which makes recommendations to Council on matters relating to proposed and Registered and Designated properties within Mississauga, Ontario, their identification, research, recording and interpretation, including cultural landscapes and natural heritage;
- (9) **“Heritage Conservation District”** means a heritage conservation district designated under Part V of the Act;
- (10) **“Heritage Conservation District Plan”** means a plan adopted by Council to provide direction on the preservation of the heritage character defining elements of a Heritage Conservation District;
- (11) **“Heritage Consultant”** means a person who prepares heritage impact assessments with qualifications as set out in the Mississauga Heritage Impact Assessment Terms of Reference or as otherwise required by the City;
- (12) **“Heritage Permit”** means a permit issued by the Director pursuant to this By-law allowing an Owner to take certain actions with regards to such Owner’s Property as stated thereon;
- (13) **“Heritage Register”** means a register of Properties situated in Mississauga, Ontario that is of cultural heritage value or interest maintained pursuant to Part IV of the Act;
- (14) **“Owner”** means the person registered on title in the proper land registry office as owner of the property;
- (15) **“Property”** means real property and includes all buildings, structures and heritage landscapes thereon;
- (16) **“Registered Property”** means a Property that is listed on the Heritage Register.

**DELEGATION OF AUTHORITY**

- 3. Council delegates to the Director all of Council’s powers to do the following:
  - (1) **Alterations Approvals:** after consulting with HAC, grant consents and approvals for alterations to
    - (a) Designated Properties; or
    - (b) Properties located in Heritage Conservation Districts;
 including the power to grant such consents and approvals subject to terms and conditions as determined by the Director in his/her discretion;
  - (2) **Request Information:** request from an Owner any information as may be required to review an application by the Owner under this By-law;
  - (3) **Permits/Practices/Procedures:** issue and administer Heritage Permits in accordance with this By-law and establish any practices and procedures necessary to issue and administer Heritage Permits in accordance with this By-law;
  - (4) Prescribe all forms necessary to implement this By-law.
- 4. **Council Approval Required:** For greater clarity, the Director does not have the authority to do the following, but the Director shall, after consulting HAC, refer the following to Council:
  - (1) **Refuse Any Alteration Application under Part IV or Part V of the Act:** In circumstances where the Director, would refuse an application, he/she shall so report to Council who has all decision-making power in relation to that application;

- (2) **Decision regarding Demolition/Removal Application under Part IV of the Act:** The approval or refusal of an application to demolish or remove a building or structure on the Registered Property or Designated Property;
  - (3) **Decision regarding Erection/Demolition/Removal Application for Property located in a Heritage Conservation District:** The approval or refusal of an application to erect, demolish or remove a building or structure on the Property located in a Heritage Conservation District.
  - (4) **Repeal Designation By-law:** repeal all, or a portion of a designating By-law for a Designated Property.
5. The Director shall issue a Heritage Permit to an Owner of a Property whose application under this Bylaw has been approved, subject to any conditions including but not limited to the conditions under section 6 of this By-law and/or any Ontario Municipal Board or court order.
6. **Conditions for Permits:** All Heritage Permits under this By-law shall be subject to the following conditions:
- (1) All applications, documents, reports and plans and other information form part of the heritage permit.
  - (2) All work shall be carried out in accordance with the plans, specifications, reports, documents and any other information that form the basis upon which a permit is issued.
  - (3) Any material change to the plans, specifications, report, documents or other information that form the basis upon which a permit is issued shall require a further application.
  - (4) The permit holder shall advise the City's Heritage Planning staff upon completion of the work that is subject to the Heritage Permit.
  - (5) The permit holder shall allow City staff to inspect the work done under the heritage permit.
  - (6) Such other terms and conditions as the Director deems necessary to maintain the heritage character of the property.
  - (7) Such other terms and conditions as may be required by Council and/or the Ontario Municipal Board.
  - (8) All Heritage Permits issued pursuant to this By-law shall expire five (5) years from the date of the Heritage Permit.

### **PERMITS APPLICATIONS**

7. **Alteration Application General:** An Owner wishing to alter a Designated Property, or a Property located in a Heritage Conservation District shall submit an application for a Heritage Permit in writing to the Director in a form prescribed by the Director and shall supply the following information to the satisfaction of the Director if so requested:
- (1) The name, address, telephone number, fax number and e-mail address of the Owner or the Owner's authorized representative;
  - (2) A site plan drawing and Survey showing the location of the proposed work on the Property;
  - (3) A statement of the proposed scope of work;
  - (4) Architectural, engineering and landscape design drawings of the proposed work showing materials, dimensions and extent of the work;
  - (5) Written specifications for the proposed work;
  - (6) Materials, samples and specifications of the proposed work;
  - (7) Photographs showing the existing building or landscape condition;

- (8) Documentation pertaining to the proposal, including archival photographs, pictures or plans of similarly styled buildings in the community;
  - (9) A signed statement by the Owner authorizing the application;
  - (10) A heritage impact assessment prepared by qualified architect licensed to practice in the Province of Ontario or a Heritage Consultant;
  - (11) A heritage conservation plan prepared by a qualified architect and/or engineer licensed to practice in the Province of Ontario or heritage consultant specializing in the subject heritage resource; and
  - (12) All other information relating to the application as required by the Director.
8. **Demolition/Removal Application:** if an Owner wishing to demolish or remove a building or structure on a Registered Property or Designated Property, or if an Owner wishing to erect, demolish, or remove a building or structure on a property located in a Heritage Conservation District, the owner shall submit an application for a Heritage Permit in writing to the Director in a form prescribed by the Director and shall supply the following information to the satisfaction of the Director if so requested:
- (1) The name, address, telephone number, fax number and e-mail address of the Owner or the Owner's authorized representative;
  - (2) A site plan drawing or survey showing the location of the proposed demolition or removal;
  - (3) Photographs showing the existing building condition including all elevations;
  - (4) A building condition assessment of the building or structure proposed to be demolished or removed;
  - (5) A signed statement by the Owner authorizing the application;
  - (6) A heritage impact assessment prepared by qualified architect licensed to practice in the Province of Ontario or a Heritage Consultant; and
  - (7) All other information relating to the application as required by the Director.
9. **Repeal By-Law:** Any Owner wishing to apply for a repeal of all or a portion of a designating By-law under Part IV of the Act shall submit an application in writing to the Director and shall supply all information as requested by the Director, who shall then refer the matter to HAC and Council.

#### **OLD PORT CREDIT HERITAGE CONSERVATION DISTRICT**

- 10. **Alteration Application:** An Owner wishing to alter a Property located in the Old Port Credit Heritage Conservation District shall submit an application in accordance with the requirements of section 7 of this By-law.
- 11. **Heritage Permit not Required:** Notwithstanding Section 10 of this By-law, an Owner of Property located in the Old Port Credit Heritage Conservation District does not need to obtain a Heritage Permit for the following alterations to the external portions of a building or structure located on such Owner's Property:
  - (1) The exterior painting of non-masonry surfaces, replacement of eavestroughs and downspouts, installation of exterior lights, including installation of removable storm windows and doors, caulking and weatherproofing;
  - (2) The repair or replacement of existing features, including roofs, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, entrances, sidewalks, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used;
  - (3) The erection of small accessory buildings under ten metres squared;
  - (4) The erection of fences;

- (5) The installation of mechanical and/or electrical equipment not visible from the street;
- (6) Replacement of steps and sidewalks;
- (7) All interior work, except structural interventions.
- (8) An alteration that is not visible from a street.
- (9) Minor alterations as are described in the Old Port Credit Heritage Conservation District Plan.
- (10) For buildings and structures identified as “complementary” or “other” buildings as per the Old Port Credit Village Heritage Conservation District Plan:
  - (a) alterations to the roofline, including demolition or erection of dormers;
  - (b) new and/or alterations to door and/or window openings requiring structural alteration and which may include their surrounds;
  - (c) installation of new replacement windows;
  - (d) installation of skylights;
  - (e) demolition or erection of chimneys;
  - (f) removal or addition of architectural detail, such as brackets, bargeboard, finials, brick, terra cotta decorations;
  - (g) masonry cleaning, masonry repointing or masonry painting;
  - (h) installation or replacement of exterior cladding;
  - (i) installation of new roof material different from existing; and
  - (j) installation of mechanical and/or electrical equipment not visible from the street.

**MEADOWVALE VILLAGE HERITAGE CONSERVATION DISTRICT**

- 12. **Alteration Application:** An Owner wishing to perform substantive alterations to a Property located in the Meadowvale Village Heritage Conservation District shall submit an application in accordance with the requirements of section 7 of this By-law.
- 13. **Substantive Alterations:** Substantive alterations have the same meaning as such term in the Meadowvale Village Heritage Conservation District Plan, which shall include, but not limited to the following:
  - (1) increases to Gross Floor Area of the primary residence;
  - (2) increases to the primary residence’s building height, width and depth;
  - (3) changes to primary residence’s foundation structure;
  - (4) changes to the primary residence’s roof structure;
  - (5) additions of a sunroom, solarium, porch and/or verandah to a primary residence;
  - (6) new windows, dormers, or doors where they did not originally exist on the primary residence;
  - (7) enlarged window or door openings of the primary residence;
  - (8) removal of an existing and/or replacement of a new primary residence;
  - (9) addition of/to an accessory building, including pre-fabricated buildings, occupying an area greater than 10 square metres (108 square feet)
  - (10) reconfigured lot boundary;

- (11) changes to lot grade, excavation and the placement of fill which alter a property's landform and natural vegetative characteristics;
  - (12) increases to driveway width, new and/or relocation of the property's access and egress;
  - (13) installation of pools and water features; and
  - (14) any other alteration which a Heritage Permit is required under the Meadowvale Village Heritage Conservation District Plan.
14. **Clearance Certificate Required:** Notwithstanding Section 12 of this By-law, an Owner of property in the Meadowvale Village Heritage Conservation District does not need to obtain a Heritage Permit for the following non-substantive alterations which do not significantly alter the appearance of the Property, provided that, such Owner has obtained a Clearance Certificate from the City. Clearance Certificates may be issued at the discretion of the Director. Installing, renovating, repairing and/or replacing the following will be deemed as a non-substantive alteration:
- (1) roofing materials
  - (2) Chimneys
  - (3) Exterior Cladding
  - (4) Skylights
  - (5) Solar Panels
  - (6) Windows and Storm Windows
  - (7) Shutters
  - (8) Doors
  - (9) Architectural Details
  - (10) Existing Porches and Verandahs
  - (11) Existing Outbuildings
  - (12) Driveways
  - (13) Fences
  - (14) Landscaping and Planting
  - (15) Wheelchair ramps
  - (16) Mechanical and Utilities
  - (17) Public works within the Village, including but not limited to:
    - (a) Public roads and right of ways
    - (b) Parkland
    - (c) Signage
    - (d) Structures
15. Notwithstanding anything to the contrary, sections 10-14 of this By-law do not apply to a Designated Property but located in a Heritage Conservation District. Permits Applications for Designated Properties located in a Heritage Conservation District are governed by section 7, section 8 and section 9 of this By-law.

**ENFORCEMENT:**

16. Every Person who contravenes any provision of this By-law is guilty of an offence.
17. A municipal By-law enforcement officer acting under this By-law may enter and inspect all buildings, structures or parts thereof that are subject to this By-law at any reasonable time for the purposes of determining whether there is compliance with this By-law.

**VALIDITY**

18. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**GENERAL**

19. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

**REPEAL**

20. By-law No. 0077-2014 shall be repealed on the date this By-law is enacted.

**ENACTED AND PASSED this 25<sup>TH</sup> day of May, 2016.  
Signed by: Bonnie Crombie, Mayor and Crystal Greer, City Clerk**