

Authority: Item 2, Planning & Economic
Development Committee
Report 05-027 (PED05096(a))
CM: December 14, 2005

Bill No. 364

CITY OF HAMILTON

BY-LAW NO. 05-364

**BEING A BY-LAW TO DELEGATE TO THE DIRECTOR OF DEVELOPMENT
AND REAL ESTATE CERTAIN ASSIGNED COUNCIL AUTHORITY UNDER
THE ONTARIO HERITAGE ACT FOR THE POWER TO CONSENT TO
PERMITS FOR THE ALTERATION OF DESIGNATED PROPERTY**

WHEREAS pursuant to subsections 33(1) and 33(4) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended (hereinafter referred to as "the Ontario Heritage Act"), the Council of the City of Hamilton is the decision-maker in respect to the consent of alterations to designated heritage property under Part IV of the Ontario Heritage Act

AND WHEREAS pursuant to subsection 42(4) of the Ontario Heritage Act, the Council of the City of Hamilton is the decision-maker in respect to the granting of permits for the alteration of property within a heritage conservation district under Part V of the Ontario Heritage Act

AND WHEREAS pursuant to subsection 33(15) of the Ontario Heritage Act the Council of a municipality may by by-law delegate the power to consent to alterations to property to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS pursuant to subsection 42(16) 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 pursuant to subsections 33(15) and 42(16) of the Ontario Heritage Act the Council of the City of Hamilton consulted with its municipal heritage committee on August 25th, 2005;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

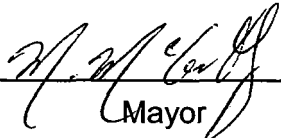
1. That the Council hereby delegates to the Director of Development and Real Estate all power respecting the granting of consents and approvals which was assigned to Council under subsections 33(1), 33(4) and 42(4) of the Ontario Heritage Act including the authority to attach terms and conditions.

**BY-LAW RESPECTING DELEGATION OF CONSENT FOR PERMITS FOR
THE ALTERATION OF DESIGNATED PROPERTY**

Page 2 of 2

2. The delegated powers in Section 1 do not include the power to refuse an application. Where the Director of Development and Real Estate would refuse an application if he or she had the power, he or she shall so advise Council who retains all decision-making power in relation to that application.
3. That the Director of Development and Real Estate is authorized to undertake all acts necessary to carry out the authority vested in the Director of Development and Real Estate pursuant to this By-law, including affixing his/her signature as required to all documents.
4. That when the Director of Development and Real Estate is absent through illness or vacation or his/her office is vacant, then the Manager of Community Planning and Design of the City's Development and Real Estate Division (Planning and Economic Development Department) shall act in the place and stead of the Director of Development and Real Estate. While so acting, the Manager of Community Planning and Design has and may exercise all the rights, powers and authority of the Director as delegated by this By-law
5. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and enacted this 14th day of December, 2005.



Mayor



Clerk

Authority: Item 2, Planning & Economic
Development Committee
Report 05-027 (PED05096(a))
CM: December 14, 2005

Bill No. 364

CITY OF HAMILTON

BY-LAW NO. 05-364

**BEING A BY-LAW TO DELEGATE TO THE DIRECTOR OF DEVELOPMENT
AND REAL ESTATE CERTAIN ASSIGNED COUNCIL AUTHORITY UNDER
THE ONTARIO HERITAGE ACT FOR THE POWER TO CONSENT TO
PERMITS FOR THE ALTERATION OF DESIGNATED PROPERTY**

WHEREAS pursuant to subsections 33(1) and 33(4) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended (hereinafter referred to as “the Ontario Heritage Act”), the Council of the City of Hamilton is the decision-maker in respect to the consent of alterations to designated heritage property under Part IV of the Ontario Heritage Act

AND WHEREAS pursuant to subsection 42(4) of the Ontario Heritage Act, the Council of the City of Hamilton is the decision-maker in respect to the granting of permits for the alteration of property within a heritage conservation district under Part V of the Ontario Heritage Act

AND WHEREAS pursuant to subsection 33(15) of the Ontario Heritage Act the Council of a municipality may by by-law delegate the power to consent to alterations to property to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS pursuant to subsection 42(16) 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 pursuant to subsections 33(15) and 42(16) of the Ontario Heritage Act the Council of the City of Hamilton consulted with its municipal heritage committee on August 25th, 2005;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

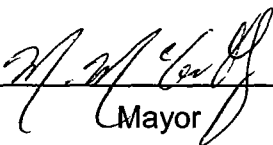
1. That the Council hereby delegates to the Director of Development and Real Estate all power respecting the granting of consents and approvals which was assigned to Council under subsections 33(1), 33(4) and 42(4) of the Ontario Heritage Act including the authority to attach terms and conditions.

**BY-LAW RESPECTING DELEGATION OF CONSENT FOR PERMITS FOR
THE ALTERATION OF DESIGNATED PROPERTY**

Page 2 of 2

2. The delegated powers in Section 1 do not include the power to refuse an application. Where the Director of Development and Real Estate would refuse an application if he or she had the power, he or she shall so advise Council who retains all decision-making power in relation to that application.
3. That the Director of Development and Real Estate is authorized to undertake all acts necessary to carry out the authority vested in the Director of Development and Real Estate pursuant to this By-law, including affixing his/her signature as required to all documents.
4. That when the Director of Development and Real Estate is absent through illness or vacation or his/her office is vacant, then the Manager of Community Planning and Design of the City's Development and Real Estate Division (Planning and Economic Development Department) shall act in the place and stead of the Director of Development and Real Estate. While so acting, the Manager of Community Planning and Design has and may exercise all the rights, powers and authority of the Director as delegated by this By-law
5. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and enacted this 14th day of December, 2005.



Mayor



Clerk