

Ontario Heritage Act Subsection 30.1

Amendment of designating by-law

30.1 (1) The council of a municipality may, by by-law, amend a by-law designating property made under section 29 and section 29 applies with necessary modifications to an amending by-law as though it were a by-law to designate property under that section. 2005, c. 6, s. 19.

Exception

(2) Despite subsection (1), subsections 29 (1) to (6) do not apply to an amending by-law if the purpose of the amendment is,

(a) to clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;

(b) to correct the legal description of the property; or

(c) to otherwise revise the language of the by-law to make it consistent with the requirements of this Act or the regulations. 2005, c. 6, s. 19.

Same

(3) If the council of a municipality proposes to make an amendment described in subsection (2), the council shall give the owner of the designated property written notice of the proposed amendment in accordance with subsection (4). 2005, c. 6, s. 19.

Content of notice

(4) A notice of a proposed amendment shall,

(a) contain an explanation of the purpose and effect of the proposed amendment; and

(b) inform the owner of the right to object to the proposed amendment by filing a notice of objection with the clerk of the municipality within 30 days of receiving the notice. 2005, c. 6, s. 19.

Consultation with committee

(5) The council of a municipality shall consult with its municipal heritage committee, if one has been established, before giving notice of a proposed amendment to the owner of property under subsection (3). 2005, c. 6, s. 19.

Objection

(6) The owner of a property who receives notice of a proposed amendment from a municipality under subsection (3) may, within 30 days of receiving notice of the amendment, file a notice of objection to the amendment with the clerk of the municipality setting out the reasons for the objection and all relevant facts. 2005, c. 6, s. 19.

Where no objection

(7) If no notice of objection is filed within the 30-day period under subsection (6), the council of the municipality may pass the proposed amending by-law described in subsection (2). 2005, c. 6, s. 19.

Application of s. 29

(8) If the owner of the property files a notice of objection under subsection (6) in relation to a proposed amendment described in subsection (2), subsections 29 (7) to (15.1) apply with necessary modifications to the notice of objection. 2005, c. 6, s. 19; 2009, c. 33, Sched. 11, s. 6 (6).

Notice of amendment

(9) The clerk of a municipality shall provide a copy of the by-law, as amended under this section, to the owner of the property and to the Trust and shall register the by-law against the property in the proper land registry office. 2005, c. 6, s. 19.

Requirement to update old by-laws

(10) If the council of a municipality proposes to amend a by-law designating property made under section 29 before the day the Ontario Heritage Amendment Act, 2005 received Royal Assent, the council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies the requirements of section 29, as it read on the day the Ontario Heritage Amendment Act, 2005 received Royal Assent. 2005, c. 6, s. 19.