

That the Economic and Development Services Committee recommend to City Council:

Whereas, Section 28 of the Ontario Heritage Act, R.S.O. 1990, c.0.18 (the “Act”), provides that the council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the council on matters of cultural heritage value and interest including the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, and such other heritage matters as the Council may specify by by-law; and,

Whereas, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas, By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011; and,

Whereas, in addition to reaffirming the establishment of Heritage Oshawa as the City’s Municipal Heritage Committee, By-law 02-2011 includes various provisions setting out operating procedures for the Committee; and,

Whereas, subsequent to passing By-law 02-2011 in 2011, City Council has since adopted the Advisory Committees of Council Policy and Procedure (the “Policy”) which sets out provisions for the operation of all Advisory Committees of Council, including Heritage Oshawa, and requires each Advisory Committee to have a Council-approved Terms of Reference; and,

Whereas, the Policy and Terms of Reference documents are reviewed during each term of Council to ensure they remain up to date and accurate based on current legislation and other Council by-laws or policies; and,

Whereas, the operating procedures set out in By-law 02-2011 are now addressed in the Advisory Committees of Council Policy and Procedure and/or its approved Terms of Reference;

Therefore be it resolved:

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That By-law 02-2011 be repealed and replaced with a by-law generally in the form and content as set out in Attachment 1 to Item ED-23-80.



**By-law XX-2023  
of The Corporation of the City of Oshawa**

being a by-law to establish a Municipal Heritage Committee.

Whereas Section 28 of the *Ontario Heritage Act, R.S.O. 1990, c.0.18* (the "Act"), provides that the council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the council on matters relating to the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, respectively, and such other heritage matters as the Council may specify by by-law; and,

Whereas in 1995, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011, which included various provisions setting out operating procedures for Heritage Oshawa; and,

Whereas it is necessary to update By-law 02-2011 to reflect remove reference to the operating procedures currently set out in said By-law as they have been superseded by the Advisory Committees of Council Policy and Procedure and/or Council approved Terms of Reference;

Therefore be it resolved,

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That the Membership of Heritage Oshawa will consist of a minimum of five (5) members and the membership structure will be set out in the Council-approved Terms of Reference and each member will be appointed by and hold office at the pleasure of Council in accordance with the Advisory Committees of Council Policy and Procedures; and,
4. That Council may, by resolution, remove, appoint or replace members in its sole and unfettered discretion; and,
5. That Heritage Oshawa will:
  - (a) Advise and assist Council on all matters relating to cultural heritage including, but not limited to, buildings and structures, landscapes and archaeological sites; and,
  - (b) Advise Council on means of conserving heritage properties, landscapes and districts; and,

- (c) Advise and assist Council on current heritage conservation programs, regulations and legislation; and,
- (d) Establish criteria for the evaluation of properties of cultural heritage value or interest; and,
- (e) Prepare and maintain an inventory of cultural heritage resources including buildings, structures, landscapes and other elements which are considered by Heritage Oshawa to be of cultural heritage value or interest; and,
- (f) Review development applications associated with cultural heritage resources and provide recommendations to staff and/or Council, as appropriate; and,
- (g) Provide recommendations to Council on properties, landscapes and districts considered by Heritage Oshawa to be worthy of heritage designation; and,
- (h) Promote public awareness, stewardship in heritage conservation and knowledge of cultural heritage resources within the City and heritage conservation issues through programs and activities.

6. This by-law will come into full force and take effect as of the date of its passing.

7. By-law 02-2011, as amended, is hereby repealed.

By-law passed this xx day of xx, 2023.

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Mayor

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City Clerk