



Heritage Oakville Advisory Committee
Terms of Reference

Approved by Council on:

July 5, 2004

(Revised February 20, 2006)

(Revised August 9, 2006)

Revised March 19, 2007)

(Revised March 3, 2008)

(Revised October 7, 2013)

(Revised June 26, 2017)

(Revised February 10, 2020)

1. Enabling Legislation

The Heritage Oakville Advisory Committee is a legislated committee established to provide advice and assist Town Council on heritage matters to address requirements under the *Ontario Heritage Act*.

The *Ontario Heritage Act* came into force in 1975. Its purpose is to give municipalities and the provincial government powers to preserve the heritage of Ontario. Its primary focus is to protect heritage properties and archaeological sites.

The Heritage Oakville Advisory Committee is provided for under the *Ontario Heritage Act*, Part IV, section 28 which states:

“The Council of a municipality may, by by-law establish a municipal heritage committee to advise and assist the Council on matters relating to this Part (Conservation of Property of Cultural Heritage Value or Interest), matters relating to Part V (Heritage Conservation Districts) and such other heritage matters as the council may specify by by-law.”

2. Mandate

The mandate of the Heritage Oakville Advisory Committee is to advise and assist Council on matters relating to protected heritage properties and listed properties and such other heritage matters as Council may specify.

In addressing its responsibilities, the committee shall be consistent with the Provincial Policy Statement, the Growth Plan and the Regional Official Plan and comply with the Livable Oakville Plan and heritage policies and by-laws adopted by Council, including:

- a) Old Oakville Heritage Conservation District – 1982;
- b) First and Second Street Heritage Conservation District – 2019;
- c) Trafalgar Road Heritage Conservation District – September 1994;
- d) Downtown Oakville Heritage Conservation District – 2013; and
- e) Individual heritage designation by-laws.

Goal

The goal of the Heritage Oakville Advisory Committee is to achieve Council's goals related to heritage conservation, as expressed by Livable Oakville, the North Oakville East and West Secondary Plans, plus the Bronte, North Oakville, Palermo and Cultural Heritage Landscapes Heritage Resources Strategies.

Deliverables

The Heritage Oakville Advisory Committee accomplishes its mandate and goal by:

- a) providing comments to Council on heritage permit applications;
- b) commenting on development applications which may impact existing or potential protected heritage properties listed properties or heritage conservation districts when required;
- c) promoting public awareness of Oakville's heritage;
- d) reviewing updates to the Oakville Heritage Register; and
- e) review staff's annual report to Council outlining the committee's achievements during the year and providing a workplan for the next year;
- f) reviewing grant applications.

The Heritage Oakville Advisory Committee is not responsible for the following:

- a) inspections of work performed at individual properties;
- b) administrative matters including directing staff and budgeting;
- c) preparation of grant applications;
- d) administration issues relating to heritage planning; and
- e) reviewing heritage permit applications under the delegation of authority to staff provided in accordance with the Heritage Delegation By-law 2018-020, except in circumstances where staff do not support approval of the application.

Alignment with the town's strategic goals

The mandate of the Heritage Oakville Advisory Committee shall meet all Corporate Strategic Goals and will be examined every four years.

3. Type of Committee

Legislated committee

4. Membership, roles and responsibilities, qualifications

Committee composition

The Heritage Oakville Advisory Committee will be comprised of 11 members from the Oakville community, which includes 2 members of Council and nine citizens at large. Staff support the committee and participate as non-voting members to assist the committee in accomplishing its mandate. Staff representatives support the committee but do not form part of the committee.

The Chair and Vice-chair will be elected from among the committee members at the first meeting of the committee annually, and will preside over meetings and committee business. Council representatives cannot serve as Chair or Vice-chair on the committee. In the absence of the Chair, the Vice-chair will chair the meeting. Where both the Chair and Vice-chair are absent, the committee will appoint a temporary acting chair on a majority consensus. The tenure for Chair and Vice-chair is limited to two consecutive years unless the committee determines otherwise with a unanimous consent of the members present.

Role	Members
Committee Chair	To be elected by committee members annually
Vice-chair	To be elected by committee members annually
Councillors	2 Members of Council appointed by Council annually
Committee member(s)	9 Citizens-at-large appointed by Council for the term of Council
Support staff (Non-voting members)	Heritage Planner(s), Planning Services Department Council and Committee Coordinator, Clerk's Department
Departmental representatives	Manager of Policy Planning and Heritage Other department representatives, as required

Roles and responsibilities

- The Heritage Oakville Advisory Committee is an advisory committee to Town Council, not a decision making body.
- The Heritage Oakville Advisory Committee is established by Council and reports to Planning and Development Council.
- Written minutes including recommendations regarding heritage permit applications from the committee will be submitted to Planning and Development Council after each meeting for appropriate action/disposition. Recommendations of the committee with respect to heritage planning matters will be referred to staff and incorporated into a Heritage Planning staff report for Council's consideration.
- Any advice or recommendation that requires action or implementation by town staff must be approved by Town Council.

Qualifications

The members of the Heritage Oakville Advisory Committee will work together for the purpose of developing a common approach which is reasonable and practical in promoting and facilitating heritage planning, preservation, and conservation in Oakville.

Members will be chosen for their expertise, experience, dedication, and commitment to the mandate of the committee.

Qualifications for the committee include:

- a knowledge and/or interest in heritage resources;
- must be a resident of the Town of Oakville; and
- must not have been convicted of a criminal offence in which a pardon has not been granted.

Where possible, appointments to the committee will include representatives of the following organizations/associations:

- Bronte Historical Society
- Oakville Historical Society
- Oakville Lakeside Residents Association
- Trafalgar Chartwell Residents Association
- Trafalgar Township Historical Society
- representation from business or commercial property owners
- Downtown Oakville Business Improvement Area nominees
- other residential associations

Working Group(s)

A working group (a sub-group of the Heritage Oakville Advisory Committee), may be created to assist in the research or review of a given item and will provide a detailed report back to the Heritage Oakville Advisory Committee. A working group is normally comprised of Heritage Oakville Advisory Committee members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. The membership of a working group will not constitute a quorum of the committee. Working groups will operate by consensus and formal motions will not be required. Administrative support will not be available to working groups and consequently, the preparation of agendas, minutes, and meeting requirements will be the responsibility of the working group, if required. Support staff will not be required to attend working group meetings.

Term

Membership is to align with the term of Council. Committee members may be permitted to serve additional terms at the discretion of Council.

A member may resign from the committee at any time by advising of their intention in writing to the Town Clerk.

Interpretation

The Heritage Planner(s) (with other staff representatives) will be responsible for interpreting and providing information on issues related to heritage or other town information. Clerk's department staff will be responsible for interpreting and administering the rules of procedure for committees.

The rules and regulations contained in these terms of reference will be observed in all proceedings of the Heritage Oakville Advisory Committee, and shall be the rules

and regulations for the order and disposition of business. The Heritage Oakville Advisory Committee cannot pass a motion to suspend the rules pertaining to this document. In all proceedings, the Heritage Oakville Advisory Committee will have regard for its terms of reference.

Procedural matters not governed by the provisions of these terms of reference will be governed by the Town of Oakville Procedure By-law (rules governing the procedure of Council).

5. Meeting Schedule

The number of meetings will be sufficient to address the mandate of the committee. The Heritage Oakville Advisory Committee will hold meetings on the fourth Tuesday of each month, unless determined otherwise by staff. The meetings will begin at 9:30 a.m. and end not later than 12:30 p.m.

Exceptions to this include:

- if determined that meetings shall not be held during the summer months and possibly December to recognize holiday and summer schedules as they relate to quorum requirements;
- during a municipal election, meetings may be cancelled in the last quarter of the year;
- where quorum is not reached; and
- when circumstances warrant special consideration.

All meetings will be held at Oakville Town Hall, unless special circumstances warrant a temporary change of location.

All meetings shall be open to the public unless the subject matter being considered meets the requirements of the Town of Oakville Procedure By-law permitting a meeting or part of a meeting to be closed to the public.

Special meetings may be held to deal with a matter that has specific time constraints and cannot wait until a regularly scheduled meeting, with the consent of the Chair in conjunction with the staff representative and the Clerk's department. The only item of business transacting at a special meeting shall be that for which the meeting was called.

In order to comply with legislative deadlines established pursuant to the *Ontario Heritage Act*, the *Building Code Act* and the other legislation, it may be necessary under special circumstances for heritage permit matters to be considered at a special meeting to be determined by staff.

Three or more consecutive cancellations of meetings will result in a report to Council for evaluation as to the committee's mandate and functionality.

Quorum

Quorum will consist of a majority of the committee members.

The meeting will be called to order at the time fixed for the holding of the meeting or as soon thereafter as quorum is present. If there is no quorum present within a half hour of the scheduled time for the meeting, the meeting will stand adjourned until the date and time of the next regular meeting, and the names of those present shall be recorded by the clerk.

Where a member has resigned or has been removed from the committee, quorum will be adjusted temporarily to reflect the decrease in voting membership, and will return to regular quorum requirements when the vacancy is filled by Town Council.

6. Reporting requirements

Minutes and Agendas

- a. The Clerk's department will give notice of every meeting to staff representatives and committee members, and any relevant material will accompany the notice in the form of an agenda.
- b. The notice/agenda of a meeting shall be sent either by courier, mail, or electronically to the address of choice for each member so as to be received not later than 48 hours before the hour appointed for the meeting.
- c. The Clerk's department shall prepare an agenda as follows:
 - a) Regrets
 - b) Declaration of Pecuniary Interest
 - c) Confirmation of Minutes of the previous meeting/s
 - d) Discussion Items
 - e) Information Items (no delegations permitted)
 - f) Date of next meeting
 - g) Adjournment.
- d. An information item on an agenda or raised at a meeting is for the purpose of informing committee members of the matter only and if action or discussion is required, it shall be listed on a future agenda.

7. Budget and Resources

Committees are not given a budget. Town Council may approve one-time expenditures to help the committee achieve its goals and objectives. Any budget requests should be identified in the town's annual operating budget.

Staff will provide advisory support to the committee including background information, resources and advice to assist the Heritage Oakville Advisory Committee in its role.

Staff will provide administrative support to the committee through taking minutes of meetings, distribution of agenda and general administrative coordination of meetings.

8. Code of Conduct

The town is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions. All volunteers, delegates and staff will be guided by town policies and procedures including, but not limited to, the Code of Conduct and Respectful Workplace Policy. These policies ensure that all volunteers, delegates and staff are treated with respect and dignity and can be found on oakville.ca.

Public communications from the committee

When appearing before Town Council or a town standing committee on behalf of, or as a representative of the Heritage Oakville Advisory Committee, members will present the committee's official position on a particular matter. However, where a committee member appears before Town Council or a town standing committee and clearly indicates that they are appearing as an Oakville citizen or on behalf of an organization and not in their capacity as a member of the Heritage Oakville Advisory Committee, they may present a position which is in their personal position or position of the organization they represent.

9. Declaration of Pecuniary Interest

A member shall declare a direct or indirect pecuniary interest in accordance with the Municipal Conflict of Interest Act, and

- a. prior to any consideration of the matter at a meeting, shall disclose the interest and the general nature thereof verbally and by filing a written statement of the interest with the Clerk at the meeting or as soon as possible afterwards;
- b. shall not take part in the discussion of, or vote on any motion in respect of the matter;
- c. during or after the meeting, shall not attempt in any way to influence the voting on any such motion; and
- d. shall be included in the minutes.

A copy of each written statement shall be kept in a registry which will be available for public inspection.

Where the interest of a member of the committee has not been disclosed as required above, by reason of his/her absence from the meeting the member shall disclose his/her interest at the first subsequent meeting thereafter.

Definitions

- a) **Citizens' Advisory Committee:** A committee that provides advice and recommendations to Council on areas within its mandate. All committee recommendations which would result in a decision being made; independent actions to be taken by the committee or its members; or which would require staff support are required to be endorsed by Council. All members of advisory committees are appointed by Council.
- b) **Delegation(s):** A person or group of persons permitted to address the committee, for a maximum of ten minutes, individually or on behalf of a group on a matter on the agenda for that meeting. Delegations are required to provide the clerk of the meeting with their name and address for the record.
- c) **Heritage attributes:** The principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well a natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).
- d) **Heritage conservation district:** A defined area or areas with a group or collection of heritage resources including buildings, streetscapes and/or natural features with cultural heritage value that is protected under Section 41, Part V of the *Ontario Heritage Act*.
- e) **Heritage permit application:** An application to permit alterations that are likely to affect the heritage attributes of a protected heritage property.
- f) **Listed property:** A property that is listed on the Oakville Heritage Register as a non-designated property of potential cultural heritage value or interest in accordance with section 27 (3) of the *Ontario Heritage Act*.
- g) **Oakville Heritage Register:** An abbreviated name of the Oakville Register of Properties of Cultural Heritage Value or Interest, a list maintained by the Town Clerk as required by Section 27.1, Part IV of the *Ontario Heritage Act*, which includes all protected heritage properties (Part IV and Part V) as well as listed properties of potential cultural heritage value or interest.
- h) **Pecuniary interest:** a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*.
- i) **Protected Heritage Property:** Real property in the Town, including all buildings, structures and other features thereon, that:
 - a. Has been designated under Part IV of the *Ontario Heritage Act*,
 - b. Has been designated under Part V of the *Ontario Heritage Act*, or

- c. Is subject to a notice of intention to designate under section 29 of Part IV of the *Ontario Heritage Act* for having cultural heritage value or interest;

Background

Originally established as the Local Architectural Conservation Advisory Committee (LACAC) by By-law 1976-186, revised by By-law 2000-154. The name of the committee was changed by Council on February 1, 2001:

1976-186 – A by-law to establish a Local Architectural Conservation Advisory Committee.

2000-154 – A by-law to revise By-law 1976-186 (Schedule A) – Composition of the Local Architectural Conservation Advisory Committee.

LACAC and Heritage Review Committee amalgamation were revised by Council on September 6, 2000:

The resolution states:

“That Council approve By-law 2000-153 to adopt Amendment Number 187 to the Oakville Official Plan to remove reference to the Heritage Review Committee.

That Council approve By-law 2000-154 amending Schedule “A of By-law 1976-186 to implement the following:

Committee Composition – 10 members total including 2 Councillors, 3 members at-large, 1 member representing the Trafalgar Chartwell Residents Association, 2 members representing Oakville Lakeside Residents Association (one from each heritage district), 1 member representing the Bronte Historical Society, and 1 member representing the Oakville Historical Society.

That Council repeal By-law 1996-11 (a by-law related to the Heritage Review Committee).

That the common name of the LACAC committee be ‘Heritage Oakville’.

That the present two committee structure be retained until February 2001 to handle their respective responsibilities until Council can complete the interview and selection for the new committee.”

On July 5, 2004, Council approved the following recommendation from the Administrative Services Committee meeting held on June 29, 2004, resulting from the Corporate Committee Rationalization Project:

The resolution states, in part:

1. That the Terms of Reference for the following Advisory Committees attached as appendices to the June 29, 2004 report of the Town Clerk, be approved:
 - a) Heritage Oakville (Appendix “C”); as amended as follows:

- Section 1 – “Enabling Legislation” – to reflect the current language of the *Ontario Heritage Act*, and:
- Section 2 – “Mandate” – to delete the words “and permit infractions” from the first paragraph and include reference to the Town’s Official Plan and Individual Heritage By-laws in the fourth paragraph.

On February 13, 2006 Council approved the following recommendation:

The resolution states, in part:

A) Proposed 2006 Heritage Oakville Meeting Schedule for Additional Meetings

1. That the 2006 monthly meeting schedule attached as Appendix A to the Planning Services Department report dated January 12, 2006 be received as amended (that meetings will be held the 2nd Tuesday of the month);
2. That the concept of an additional monthly meeting of Heritage Oakville for a trial period of one year to deal with matters other than the Heritage Permit applications be approved; and
3. That after the completion of the trial period to hold one additional meeting per month, Heritage Oakville report back to Planning and Development Council and if necessary, the Clerk be authorized to revise the Terms of Reference for the Committee accordingly.

On August 9, 2006 Council approved the following recommendation:

The resolution states, in part:

1. That the Heritage Oakville Committee membership include the addition of a representative member from the Trafalgar Township Historical Society; and
2. That the Heritage Oakville Committee Terms of Reference be amended to reflect the addition of the Trafalgar Township Historical Society membership.

On March 19, 2007 Council approved the following recommendation:

1. That additional bi-monthly meetings of the Heritage Oakville Committee to address general heritage planning matters be approved;
2. That the Terms of Reference for the Heritage Oakville Committee be amended as follows:
 - a) Section 2 – “Mandate” – insert the following new paragraph immediately after the second paragraph, “The Committee shall provide input to Planning Staff on heritage planning matters.”

- b) Section 5 – “Meeting Schedule” – in the second paragraph, replace the words “Heritage Oakville Committee normally holds meetings on the 1st Tuesday each month with:

“The Heritage Oakville Committee normally holds meetings as follows:

- 1) on the 2nd Tuesday of each month for the purposes of considering heritage permit applications; and
- 2) on the 4th Tuesday of alternate months for the purposes of considering heritage planning matters.”

In order to comply with legislative deadlines established pursuant to the *Ontario Heritage Act*, the *Building Code Act* and the other legislation, it may be necessary under special circumstances for heritage permit matters to be considered at heritage planning meetings and vice versa.”

- c) Section 6 – “Reporting Requirements and Method” – in the second paragraph of the subsection addressing Specific Requirements replace the words “Written reports/minutes from this Committee shall be submitted to the Planning and Development Council Committee after each meeting.” with “Written report/minutes including recommendations regarding heritage permit applications from this Committee shall be submitted to the Planning and Development Council Committee after each meeting. Resolutions of the Committee with respect to heritage planning matters shall be referred to Staff and incorporated into a Planning Staff report for Council’s consideration.”
3. That the Clerk’s Department and Planning Services Department provide the necessary support services for these additional meetings.

On March 3, 2008, Council approved the following recommendation from the Administrative Services Committee meeting held on February 26, 2008:

The resolution states, in part:

1. That Advisory Committee Terms of Reference be amended to delete the mandate for any agency representatives within the “Membership Composition” section and include the provision for such representation as criteria to be considered for qualifications of members as citizen appointments, effective January 1, 2009;
2. That budget provisions not be included in any Advisory Committee Terms of Reference, recognizing that where funding may be required for a given project, such requests would be subject to Council’s approval on an individual basis;

3. That the usual term of membership for Advisory Committees be extended to be no greater than four (4) years and that appointees to such Committees continue to be limited to serving a maximum to two (2) consecutive terms on any one Committee;
4. That all Advisory Committee Terms of Reference, appended to the January 28, 2008 report of the Clerk's Department be approved as amended to incorporate the staff recommendations as noted.

On August 30, 2010, Council approved the following recommendation from the Administrative Services Committee meeting held on August 23, 2010:

The resolution states, in part:

That the citizen appointments to advisory committees and boards that are to expire in 2010 be extended "until their successors are appointed and not later than March 31, 2011" and that the term of all future citizen appointments include a proviso to enable the continuation of a term of appointment for no greater than 3 months into the year following an election year.

On November 7, 2011, Council approved the following recommendation from the Administrative Services Committee meeting held on October 25, 2011:

The resolution states, in part:

"That the Heritage Oakville schedule of meetings be revised to consolidate the permit and policy meetings into one meeting to be scheduled on a three week cycle."

On February 4, 2013, Council approved the following recommendation:

The resolution states, in part:

- a) That Council consider appointing representation from business or commercial property owners to the Heritage Oakville Advisory Committee when filling vacancies to the committee; and
- b) That the Downtown Oakville Business Improvement Area be requested to provide nominees for Council's consideration when filling vacancies to the Heritage Oakville Advisory Committee.

On October 7, 2013, Council approved the following recommendation from the Administrative Services Committee meeting held on October 1, 2013:

The resolution states, in part:

That the Heritage Oakville Advisory Committee meetings be scheduled based on the four week Council and Committee cycle to enable the submission of reports to Council in a timely manner and the Committee's terms of reference be amended to reflect its revised meeting schedule.

On June 26, 2017, Council approved the following recommendation from the Administrative Services Committee meeting held on June 19, 2017:

The resolution states, in part:

That the Terms of Reference for the Heritage Oakville Advisory Committee attached as Appendix B to the staff report dated May 15, 2017, from the Clerk's department, be approved to include the revisions as detailed in Appendix A as noted below:

- a) Section 1 – "Enabling Legislation" – revised to include Ontario Heritage Act history and purpose;
- b) Section 2 – "Mandate" – revised to include compliance with the *Downtown Oakville Heritage Conservation District*;
- c) Section 2 – "Mandate" – Goal replaced to read as follows:
"The goal of the Heritage Oakville Advisory Committee is to achieve Council's goals related to heritage conservation, as expressed by Livable Oakville, the North Oakville East and West Secondary Plans, plus the Bronte, North Oakville, Palermo and Cultural Heritage Landscapes Heritage Resources Strategies";
- d) Section 2 – "Mandate" – Deliverables amended by removing subsection d) recommending appropriate designated property grant applications;
- e) Section 2 – "Mandate" – Deliverables amended by adding additional items the committee is not responsible for, to read as follows:
 - d. administration issues relating to heritage planning; and
 - e. heritage permits for alterations under the delegation of authority to staff provided in accordance with the Heritage Delegation By-law 2011-115, a by-law to delegate the power to consent/grant heritage permits for the alteration of designated heritage properties."
- f) Section 4 – Membership, roles and responsibilities, qualifications amended to include description of the Chair and Vice-chair responsibilities
- g) Section 4 – Membership, roles and responsibilities, qualifications - revised 'qualifications' to add an additional bullet to reference that a member must not have been convicted of a criminal offence in which a pardon has not been granted;
- h) Section 4 – Membership, roles and responsibilities, qualifications - revised to include the following additional bullet, added by the Heritage Oakville Advisory Committee, for consideration when Council makes appointments to the committee:
 - other residential associations:

-
- i) Section 4 – Membership, roles and responsibilities, qualifications - revised to include a description of a ‘Working Group’.
 - j) Section 5 – Meeting Schedule - amended to include a description regarding quorum.
 - k) Addition of a list of relevant definitions.

On February 10, 2020, Council approved the following recommendation:

That the Terms of Reference for the Heritage Oakville Advisory Committee (HOAC) attached as Appendix A to the staff report dated January 29, 2020, be approved.