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c 122 The Ontario Heritage Act, 1974

Ontario

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CHAPTER 122

An Act to provide for the Conservation, Protection and Preservation of the Heritage of Ontario

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

   (a) "alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;

   (b) "Board" means the Ontario Municipal Board;

   (c) "donation" includes any gift, testamentary disposition, deed or trust or other form of contribution;

   (d) "Foundation" means the Ontario Heritage Foundation;

   (e) "inspect" includes to survey, photograph, measure and record;

   (f) "licence" means a licence issued under this Act;

   (g) "local advisory committee" means a local architectural conservation advisory committee;

   (h) "Minister" means the Minister of Culture and Recreation;

   (i) "municipality" means a city, town, village, township or improvement district and includes a band under the Indian Act (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act;

   (j) "object" means an object of archaeological or historic significance;
PART I
HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

2. The Minister is responsible for the administration of this Act, and he may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.

3. Such officers, clerks and servants may be appointed or transferred under The Public Service Act as are considered necessary from time to time for the administration of this Act.

PART II
ONTARIO HERITAGE FOUNDATION

4. In this Part, "property" means real and personal property.

5. (1) The Ontario Heritage Foundation is continued as a body corporate.

(2) The Foundation shall consist of a board of directors of not fewer than twenty-one persons who shall be appointed by the Lieutenant Governor in Council.

(3) The board of directors shall manage and conduct the affairs of the Foundation.

(4) The Lieutenant Governor in Council shall designate one of the directors to be the chairman and one or more of them to be vice-chairman or vice-chairmen of the board of directors.

(5) A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except...
that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

(6) A majority of the directors constitutes a quorum.

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his predecessor.

6. The **Corporations** Act does not apply to the Foundation.

7. The objects of the Foundation are,

(a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;

(b) to receive, acquire and hold property in trust for the people of Ontario;

(c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

(d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest;

(e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation.

8. The directors of the Foundation may, subject to the approval of the Minister, make such by-laws as are necessary for,

(a) the administration of the Foundation;

(b) the establishment, appointment and condition of membership therein;

(c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and

(d) any other matter necessary for carrying out the objects of the Foundation.
9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder.

10. (1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

(a) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario;

(b) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;

(c) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters;

(d) enter into agreements with prospective donors, subject to any conditions governing the use of property;

(e) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons pursuant to any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property;

(f) engage the services of experts and other persons;

(g) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal.
(h) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 18;

(i) invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario;

(j) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken;

(k) with the consent of the owner of the property, place markers, signs, cairns or other interpretive facilities for the interest and guidance of the public;

(l) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation.

(2) Notwithstanding subsection 1, where in his opinion it is necessary in order to ensure the carrying out of the intent and purpose of this Act, the Minister may exercise the powers of the Foundation under subsection 1.

11.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

(2) Property acquired by the Foundation is the property of Her Majesty in right of Ontario and title thereto may be vested in the name of Her Majesty in right of Ontario or in the name of the Foundation.

12.—(1) The Foundation shall maintain a fund, hereinafter called the "general fund", which shall, subject to section 13, consist of moneys received by it from any source, including grants made under section 17.

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith.

13.—(1) The Foundation shall maintain a reserve fund which shall consist of moneys received by the Foundation expressly for allocation thereto.
(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund.

(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause i of subsection 1 of section 10, without the consent of the Lieutenant Governor in Council.

14. The members of the board of directors of the Foundation shall be paid such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the Foundation.

15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause g of subsection 1 of section 10 to a person or organization not registered as a charitable organization under the Income Tax Act (Canada).

16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.

17. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund.

18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.

19. The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the require-
ments of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

21.-(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require.

22.—(1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office.

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the Foundation under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefitted by such easement or covenant.

23. The Foundation shall keep a Register in which particulars of all properties designated under Parts IV and VI shall be entered.

PART III

CONSERVATION REVIEW BOARD

24. -(1) A Review Board to be known as the “Conservation Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

(2) A member of the Review Board may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a member shall not serve for more than two consecutive terms, but any such member
shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

Chairman

(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(4) One member of the Review Board constitutes a quorum.

Remuneration and expenses

(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Professional assistance

(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board.

Hearings

(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this Act or regulation thereunder.

Expenditures

25. The moneys required for the purposes of the Review Board shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

PART IV

CONSERVATION OF BUILDINGS OF HISTORIC OR ARCHITECTURAL VALUE

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Interpretation

26. In this Part,

(a) "designated property" means property in respect of which a by-law under this Part is in effect designating such property;

(b) "property" means real property and includes all buildings and structures thereon.

Register

27.—(1) A Register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain,

(a) a legal description of the designated property;

(b) the name and address of the owner; and

(c) a short statement of the reason for designation of the property.
(2) The clerk of a municipality shall issue extracts from the Register referred to in subsection 1 to any person on payment of the fee prescribed by the regulations.

28. The council of a municipality may, by by-law, establish a local advisory committee to be known as the Local Architectural Conservation Advisory Committee composed of not fewer than five members appointed by the council to advise and assist the council on all matters relating to this Part and Part V.

29.—(1) Subject to subsection 2, where the council of a municipality intends to designate a property within the municipality to be of historic or architectural value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection 3.

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before giving notice of its intention to designate a property under subsection 1, consult with its local advisory committee.

(3) Notice of intention to designate under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to designate under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed designation; and

(c) a statement that notice of objection to the designation may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed designation shall, within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality
Where no notice of objection

(6) Where no notice of objection is served within the thirty-day period under subsection 5, the council shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3.

(7) Where a notice of objection has been served under subsection 5, the council shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

(8) Pursuant to a reference by the council under subsection 7, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection 5 and such other persons as the Review Board may specify, are parties to the hearing.

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing.

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

(11) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under subsection 8.
(12) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

(13) Where the Review Board fails to make a report within the time limited by subsection 12, such failure does not invalidate the procedure.

(14) After considering the report under subsection 12, the council without a further hearing shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and its decision is final.

30. Where a notice of intention to pass a by-law designating a property is served and published under subsection 3 of section 29 and has not been withdrawn under clause b of subsection 6 or clause b of subsection 14 of section 29, the provisions of sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void.

31. (1) Subject to subsection 2, where the council of a municipality intends to repeal a by-law or part thereof desig-
nating property, it shall cause notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection 3.

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before repealing a by-law or part thereof designating property, consult with its local advisory committee.

(3) Notice of intention to repeal a by-law or part thereof under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to repeal a by-law or part thereof under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed repealing by-law; and

(c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 5 of section 29.

(6) Subsections 6 to 14 of section 29 as they apply to an intention to designate a property shall apply mutatis mutandis to an intention to repeal a by-law or part thereof designating a property under this section.

(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27.
32.-(1) An owner of property designated under this Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property.

(2) After consultation with its local advisory committee, where one is established, the council shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

(a) refuse the application and cause notice of its decision to be given to the owner and to the Foundation; or

(b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Where the council refuses the application under subsection 2, the owner may within thirty days after receipt of the notice under subsection 2 apply to the council for a hearing before the Review Board.

(5) The council shall, upon receipt of an application under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing.
(6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

(7) A hearing under subsection 6 shall be held at such place in the municipality as the Review Board may determine.

(8) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under subsection 6.

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

(11) After considering a report under subsection 9, the council without a further hearing shall,

(a) refuse the application and cause notice of its decision to be given to the owner; or

(b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office,

and its decision is final.
(12) Where the council refuses an application under clause a of subsection 11, the owner of the property affected by the refusal may not reapply to have the designation revoked for twelve months from the service of the notice required under the said clause a, except with the consent of the council.

38.—(1) No owner of property designated under this Part shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation as set out in subsection 6 or 14 of section 29, as the case may be, unless he applies to the council and receives consent in writing to make such alteration.

(2) An application under subsection 1 shall be accompanied by a detailed plan and shall set out such information as the council may require.

(3) The council, upon receipt of an application under subsection 1 together with such information as it may require under subsection 2, shall cause a notice of receipt to be served on the applicant.

(4) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days after the notice of receipt is served on the applicant under subsection 3 shall,

(a) consent to the application;

(b) consent to the application upon certain terms and conditions; or

(c) refuse the application,

and shall cause notice of its decision to be given to the owner and to the Foundation.

(5) The applicant and the council may agree to extend the time under subsection 4 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the
owner may, within thirty days after receipt of the notice under subsection 4, apply to the council for a hearing before the Review Board.

(7) The council shall, upon receipt of a notice under subsection 6, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine.

(10) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under subsection 8.

(11) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

(12) Where the Review Board fails to make a report within the time limited by subsection 11, the failure does not invalidate the procedure.

(13) After considering the report under subsection 11, the council without a further hearing shall confirm or revise its decision under subsection 4 with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final.

(34) (1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.
(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

(a) consent to the application; or

(b) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision,

(c) to be given to the owner and to the Foundation; and

(d) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Notwithstanding subsection 1, where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause b of subsection 2 has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection 3 has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

(5) Where,

(a) the council consents to an application under clause a of subsection 2, or is deemed to have consented to an application under subsection 3; or

(b) the period of 180 days under clause b of subsection 2 has expired or where the extension of time agreed upon by the owner and the council under
subsection 3 has expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(c) a copy of the repealing by-law to be served on the owner and on the Foundation;

(d) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;

(e) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and

(f) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property.

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

(2) Subject to The Expropriations Act, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.
37.—(1) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected where the property is designated under this Part, in the proper land registry office.

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the council of a municipality under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant.

38.—(1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 3 of section 29.

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

39.—(1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under subsection 1, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector’s roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.
PART V

HERITAGE CONSERVATION DISTRICTS

40.-(1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection 1, consult with its local advisory committee.

41.-(1) Subject to subsection 2, where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

(3) A by-law passed under subsection 1 does not come into force without the approval of the Board.

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection 1.

(5) The council of a municipality shall, in addition to any notice required under subsection 4, cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection 1.

(6) The Board shall, before approving a by-law under subsection 1, hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.
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(7) The Board may approve a by-law under subsection 1 as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

(8) Unless the council of the municipality applies to the Board for approval of a by-law under subsection 1, within fourteen days from the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days.

42. Where a by-law has been passed under section 41, no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the external portions thereof, without a permit therefor issued by the council of the municipality unless,

(a) the by-law has been deemed to be repealed under subsection 8 of section 41;

(b) the Board has issued an order refusing approval of the by-law; or

(c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 2 of section 44.

43.—(1) An application for a permit referred to in section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

(2) An application under subsection 1 shall be considered by the council and the council, within ninety days of the receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,

(a) issue the permit as requested; or

(b) advise the applicant in writing that a permit is refused.

(3) Such terms and conditions as the council considers desirable may be attached to a permit issued under subsection 2.

44.—(1) Where an application under section 43 to the council of a municipality for a permit to erect a building or alter a structure or to alter the external portions of any building or structure is refused or the council fails to make a decision
thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 2 of section 43, appeal to the Board and the Board shall hear the appeal and,

(a) dismiss the same; or

(b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

(2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to the provisions of any other Act or regulation thereunder.

45. The provisions of sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district.

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

PART VI

CONSERVATION OF RESOURCES OF ARCHAEOLOGICAL VALUE

47. In this Part,

(a) "designated property" means property that is designated by the Minister under this Part;

(b) "property" means real property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks.
48.—(1) Subject to subsection 2, no person shall carry out archaeological exploration, an archaeological survey or required field work without a licence therefor issued by the Minister under this Part.

(2) A licence is not required for archaeological exploration, an archaeological survey or field work on property that is listed in the regulations.

(3) The Minister, before granting or renewing a licence, refusing to grant or renew a licence or suspending or revoking a licence, shall consult with the Foundation.

(4) A licence is effective only in the geographical area defined therein, expires on the date of expiry set out in the licence and may contain such particular terms and conditions to give effect to the purposes of this Part as the Minister may direct.

(5) A licence is not transferable.

(6) Subject to subsection 8, any person who applies in accordance with this Part and the regulations for a licence to carry out archaeological exploration or field work is entitled to be issued a licence by the Minister.

(7) Subject to subsection 8, a licensee who makes application in accordance with this Part and the regulations for renewal of his licence is entitled to a renewal of his licence by the Minister.

(8) Subject to section 49, the Minister may refuse to issue a licence if in his opinion,

(a) the applicant is not competent to conduct archaeological exploration or field work in a responsible manner in accordance with this Part and the regulations;

(b) the past conduct of the applicant affords reasonable grounds for belief that the archaeological exploration or field work will not be carried out in accordance with this Part and the regulations.

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 8 if he were an applicant, or where the licensee is in breach of a term or condition of the licence.
49. — (1) Where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to grant or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing.

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

(7) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under this section.

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

(9) If the Review Board fails to make a report within the time limited by subsection 8, such failure does not invalidate the procedure.
(10) After considering the report under this section, the Minister without a further hearing shall carry out his proposal or refrain from carrying out his proposal or take such action as he considers proper in accordance with this Part and the regulations, and his decision is final.

(11) Notwithstanding subsection 1, the Minister may cancel a licence at the request in writing of the licensee in the prescribed form surrendering his licence.

50.-(1) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a licensee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

51. Notwithstanding sections 49 and 50, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister's opinion it is necessary to do so for the immediate protection and preservation of a property or an object for the purposes of this Part or where the continuation of exploration or field work under the licence is in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 49 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 49.

52.—(1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he shall cause notice
of intention to designate to be given by the Foundation in accordance with subsection 2.

(2) Notice of intention to designate under subsection 1 shall be,

(a) served on the owner of the property and on the clerk of the municipality in which the property is situate; and

(b) published in a newspaper having general circulation in the municipality in which the property is situate.

(3) Notice of intention to designate under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed designation;

(c) a statement of the period of time that the designation of the property is to remain in effect; and

(d) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate.

(4) A person who objects to a proposed designation may, within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts.

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office, and
(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

(7) Pursuant to a reference by the Minister under subsection 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing.

(8) A hearing under subsection 7 shall be held at such place in the municipality in which the property is situate as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

(9) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes as one hearing.

(10) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under subsection 7.

(11) Within thirty days after the conclusion of a hearing under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.
(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure.

(13) After considering the report under subsection 11, the Minister without a further hearing shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2,

and his decision is final.

53. Where a notice of intention to designate a property has been served and published under subsection 2 of section 52 and has not been withdrawn under clause b of subsection 5 or clause b of subsection 13 of section 52, the provisions of section 56 apply as if such property were designated property.

54. The Minister may at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,

(a) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate;
(b) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;

(c) cause reference to the property to be deleted from the Register referred to in section 23; and

(d) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

5.5.—(1) An owner of property designated under this Part may apply to the Minister to have the designation revoked.

(2) The Minister after consultation with the Foundation shall consider an application under subsection 1 and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall,

(a) refuse the application and cause notice of his decision to be given to the owner; or

(b) consent to the application and order the designation of the property to be revoked, and shall cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

(ii) reference to the property to be deleted from the Register referred to in section 23,

(iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and

(iv) a copy of the order to be registered against the property affected in the proper land registry office.

(3) The applicant and the Minister may agree to extend the time under subsection 2 and, where the Minister fails to notify the applicant of his decision within ninety days
of receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application.

(4) Where the Minister refuses an application under subsection 2, the owner may, within thirty days after receipt of the notice under subsection 2, apply to the Minister for a hearing before the Review Board.

(5) The Minister shall, upon receipt of a notice under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

(7) A hearing under subsection 6 shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

(8) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under subsection 6.

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

(11) After considering the report under subsection 9, the Minister without a further hearing shall,

(a) refuse the application and cause notice of his decision to be given to the owner; or

(b) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,
(ii) reference to the property to be deleted from the Register referred to in section 23,

(iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and

(iv) a copy of the order to be registered against the property affected in the proper land registry office,

and his decision is final.

56. — (1) No person shall excavate or alter property designated under this Part or remove any object therefrom unless he applies to the Minister and receives a permit therefor.

(2) An applicant is entitled to a permit or renewal of a permit by the Minister to excavate or alter designated property and remove objects therefrom except where the Minister is of the opinion that such excavation, alteration or the taking or removal of objects would impair or interfere with the protection of the designated property.

(3) A permit is subject to such terms and conditions to give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations.

(4) A permit is not transferable.

57. Subject to section 58, the Minister may refuse to renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 55 if he were an applicant or where the permittee is in breach of a term or condition of the permit.

58. — (1) Where the Minister proposes to refuse to grant or renew a permit or proposes to suspend or revoke a permit, he shall serve notice of his proposal together with written reasons therefor on the applicant or permittee.

(2) A notice under subsection 1 shall notify the applicant or permittee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing.
(3) Where the applicant or permittee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposals stated in his notice under subsection 1.

(4) Where an applicant or permittee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing.

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

(7) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply to a hearing under this section.

(8) Within thirty days after the conclusion of a hearing under subsection 5, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

(9) After considering a report made under this section, the Minister shall without a further hearing confirm or revise his decision under subsection 1 with such modifications as the Minister considers proper and shall give notice of his decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and his decision is final.

59.—(1) The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, where he is satisfied that there are prima facie grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable
grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a permittee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

60. Notwithstanding sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally, renew, suspend or revoke the continuation of operations under the permit is, in the Minister’s opinion an immediate threat to the public’s interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 58 apply as if the notice given under this section were a notice of a proposal to revoke the permit under subsection 1 of section 58.

61. The issue of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or permit to enter upon any property.

62.—(1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial, industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than 180 days, and within that period the Minister or any person authorized by him in writing may examine the property and remove or salvage objects therefrom.

(2) Where a stop order is made by the Minister under subsection 1 and no agreement as to payment of compensation has been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled to compensation for personal or business damages resulting from the stop order, and the provisions of The Expropriations Act with respect to the negotiation, payment
and fixing of compensation apply *mutatis mutandis* as if the stop order imposed by this Part were an expropriation of rights.

**63.** Where property is designated under section 52 and no agreement as to the payment of compensation has been reached by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period provided for in the order designating the property, and the provisions of *The Expropriations Act* with respect to the negotiation, payment and fixing of compensation apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

**64.**—(1) For the purpose of carrying out this Part, any person authorized by the Minister in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 2 of section 52.

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

**65.**—(1) Within a reasonable time after the close of each season's field work, every licensee shall furnish to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or corporation.

**66.**—(1) The Minister may direct that any object taken under the authority of a licence or a permit be deposited in such public institution as he may determine to be held in trust for the people of Ontario.

(2) Any object that is taken by a person who is not a licensee or by a licensee in contravention of his licence or this Part may be seized by a person authorized so to do by the Minister and deposited in such public institution as the Minister may determine to be held in trust for the people of Ontario.
67.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by mail, the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

(3) Any notice required to be published in a newspaper having general circulation in the municipality in which a property is situate shall be published in that newspaper once for each of three consecutive weeks.

68.—(1) Where, before the date this Act comes into force, a building or structure is designated by any private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

(2) Where, before the date this Act comes into force, land was designated under The Archaeological and Historic Sites Protection Act as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and the provisions of Part VI shall apply.

(3) Where there is a conflict between any provision of this Act or the regulations and any other Act or regulation, the provisions of this Act or the regulations shall prevail.

69.—(1) Subject to subsection 2, every person who,

(a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or
(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $50,000 and not as provided therein.

(3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

(4) No person is liable under subsection 1 where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

(5) Except where,

(a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or

(b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as close as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

(6) For the purpose of subsection 5, the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations.

70. The Lieutenant Governor in Council may make regulations,

(a) governing applications for payment of grants or loans under this Act;
(b) prescribing forms and providing for their use;

(c) affixing fees or charges for services rendered under this Act;

(d) governing applications for a licence or renewal of a licence and prescribing the terms and conditions thereof;

(e) providing for the apportionment and distribution of moneys appropriated by the Legislature for,

(i) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the condition covering the payment thereof,

(ii) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, cairns or other interpretive facilities for the interest and guidance of the public; and

(f) listing properties for which no licence is required under Part VI for archaeological exploration, an archaeological survey or field work.

71. The following are repealed:


72. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

73. This Act may be cited as *The Ontario Heritage Act*, 1974.