

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4222

A Bylaw to authorize the withholding of permits in respect of property included in a community heritage register

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw,

“Approving Officer” means the Approving Officer appointed for The Corporation of the District of Oak Bay under the *Land Title Act*;

“community heritage register” means a community heritage register established by resolution of the Municipal Council under Section 954 of the *Local Government Act*;

“Director of Building and Planning” means the Director of Building and Planning for The Corporation of the District of Oak Bay, and includes a District of Oak Bay building official designated to act on his behalf;

“Municipal Council” means the Municipal Council of The Corporation of the District of Oak Bay;

2 The Director of Building and Planning shall withhold the issuance of a permit or other approval where he is of the opinion that the work authorized by the permit or approval would result in:

- (1) an alteration to the exterior of;
- (2) a structural change to, or the moving of; or
- (3) the demolition of,

a building or other structure included in a community heritage register.

3 If a permit or other approval is withheld under Section 2, the matter must be referred to the Municipal Council for consideration at its next regular meeting.

4 Subject to Section 5, unless an order for temporary protection is made by the Municipal Council under Section 962 of the *Local Government Act*, nothing in Section 2 authorizes the withholding of a permit or other approval to which an applicant would otherwise be entitled, beyond the time of the meeting at which the matter is considered by the Municipal Council under Section 3.

- 5 Whether or not an order for temporary protection is made by the Municipal Council under Section 962 of the *Local Government Act*, the Director of Building and Planning shall continue to withhold the issuance of a demolition permit in respect of property included in a community heritage register until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of the site, unless:
- (1) in his opinion, demolition is reasonably required to mitigate a hazard to public safety; or
 - (2) as a pre-condition of subdivision approval, the Approving Officer has required that the building or other structure be removed.
- 6 Where required in order to prevent a contravention of an enactment governing the use or development of land, the Director of Building and Planning may attach a condition to a building permit specifying that the work authorized by the permit must not be commenced until an existing building or other structure has been removed.
- 7 This Bylaw does not apply to property included in a community heritage register which is also protected by way of heritage designation under Section 967 of the *Local Government Act*, or which is also subject to a heritage revitalization agreement under Section 966 of the *Local Government Act*.
- 8 In this Bylaw, a reference to a provision of the *Local Government Act* means a provision of the *Local Government Act*, R.S.B.C. 1996, c. 323, and includes a like provision in an amendment or successor statute providing a legal framework for local government in the Province of British Columbia.
- 9 This Bylaw may be cited as the “***Heritage Register Procedure Bylaw, 2004***”.

READ a first, second and third time by the Municipal Council on March 22, 2004

ADOPTED and FINALLY PASSED by the Municipal Council on April 26, 2004

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the
District of Oak Bay