

Appendix 1 – Henderson's Directory Listing to 1969

McVicar Creek - Harrington Court Heritage Conservation District

Property List:

					1909	1920
170	Algoma	St.	N.	Harrington Court/Dragon Fly Bar	no (1911 Fire Insurance Map shows a building on the premises)	Donald K. Campbell
131	Court	St.	N.	Kuch Stephenson/Manor House	H.A. McKibbin (1904?)	Herbert A. McKibbin
146	Court	St.	N.	Smith Residence	Louis Walsh (1906)	Louis Walsh
151	Court	St.	N.	Maudsley Manor	no (1914)	Listed as 153 in Henderson's directory
184	Court	St.	N.		no	no
6	Emmerson	Ave.			J.J. Carrick - MPP	J.J. Carrick
10	Emmerson	Ave.			John A. Whalen	Donald J. Mackintosh
18	Emmerson	Ave.			James Campbell Hunter	James Campbell Hunter
23	Emmerson	Ave.			no	no
29	Emmerson	Ave.			no	no
30	Emmerson	Ave.			Jeanie Wink (wid. Alex)	Albert Freed
31	Emmerson	Ave.			no	no
32	Emmerson	Ave.			no	Albert G. Hinzke
260	Harrington	Ave.			no	no
270	Harrington	Ave.			no	no
288	Harrington	Ave.			Thomas N. Andrew	Thomas N. Andrew
294	Harrington	Ave.			John Andrew	Fred T. Knight
26	Nugent	St.			George Pease	Gren Walsh
269	Ray	Ct.			268 River St. (no listing in 1909, but the 1911 Fire Insurance map shows a building on the premises)	John F. Hodder (268 River St)
275	Ray	Ct.			274 River St.	no
281	Ray	Ct.			Mrs. T.T.W. Bready (286 River St)	Mrs. T.T.W. Bready (286 River)

				1927	1930	1935
170	Algoma	St.	N.	Donald K. Campbell	Donald K. Campbell	Daniel K. Campbell
131	Court	St.	N.	Mrs. Hatie McKibbin	Mrs. Hatie McKibbin	Mrs. Hatie McKibbin and Kate Gordon
146	Court	St.	N.	Louis Walsh	Mrs. Edith Walsh	Chas H. Greer
151	Court	St.	N.	Listed as 153 in Henderson's directory	Listed as 153 in Henderson's directory	Listed as 153 in Henderson's directory
184	Court	St.	N.	no	no	no
6	Emmerson	Ave.		Thomas Falls	Thomas Falls	Thomas Falls
10	Emmerson	Ave.		Harry C. McMahon	Harry C. McMahon	Harry C. McMahon and Fred Lovelady
18	Emmerson	Ave.		James Campbell Hunter	James Campbell Hunter	James Campbell Hunter
23	Emmerson	Ave.		no	no	no
29	Emmerson	Ave.		Herald Thomson	Herald Thomson	Herald Thompson
30	Emmerson	Ave.		Albert G. Hinzke	Albert G. Hinzke	Mrs. May Hinzke
31	Emmerson	Ave.		George Johnson	George Johnson	George Johnson
32	Emmerson	Ave.		Walter H. Arnold (Alex R. Dunbar 1929)	John McKay (1930)	His Honor- John McKay
260	Harrington	Ave.		no	no	no
270	Harrington	Ave.		no	no	no
288	Harrington	Ave.		Thomas N. Andrew	Thomas N. Andrew	William J. Greening (1934 or 1935)
294	Harrington	Ave.		Lucy Mooring	Lucy Mooring	James A. Aitken (1934)
26	Nugent	St.		R. Grenville Walsh	Meredith Eynon (1930)	Phylis Walsh (1934 or 1935)
269	Ray	Ct.		John F. Hodder (268 River S	John F. Hodder (268 River S	John F. Hodder (268 River St.)
275	Ray	Ct.		no	no	no
281	Ray	Ct.		Mrs.T.T.W. Bready (286 River)	Dr. R.L. Harold (1931-33?) (286 River)	Dr. R.L. Harold (286 River)

Brackets indicate year of change in ownership

				1940	1945	1950
170	Algoma	St.	N.	Lillian M. Campbell	Mrs. E.C. Carmichael (1944)	Mrs. Kathleen Carmichael * (1946)
131	Court	St.	N.	Mrs. Haliburton Mckibbin	Mrs. Haliburton Mckibbin	Mrs. Haliburton Mckibbin *
146	Court	St.	N.	Mrs. Chas H. Greer	Mrs. Robina Greer	Earle Greer * (1946)
151	Court	St.	N.	Listed as 153 in Henderson's directory	Listed as 153 in Henderson's directory	Listed as 153 in Henderson's directory
184	Court	St.	N.	no	no (Walter Turek 1946)	Frank Demkowich * (1949 or 1950)
6	Emmerson	Ave.		Thomas Falls	Thomas Falls	Arnold McCaig * (1948)
10	Emmerson	Ave.		Harry C. McMahon	Harry C. McMahon	Harry C. McMahon *
18	Emmerson	Ave.		James Campbell Hunter	James Campbell Hunter	James Campbell Hunter *
23	Emmerson	Ave.		no	Keith McLennan (1943)	H. Keith McLennan *
29	Emmerson	Ave.		Herald Thompson	Carl Anderson (1943)	Carl Anderson *
30	Emmerson	Ave.		Walter Hinzke (1939 or 1940)	Walter Hinzke	Walter Hinzke *
31	Emmerson	Ave.		Ward L. Leroy (1939 or 1940)	Ward L. Leroy	Martin Carpenter * (1946)
32	Emmerson	Ave.		Judge John Mckay	Ivan A. Thurlow (1943)	Ivan A. Thurlow *
260	Harrington	Ave.		no	no	no
270	Harrington	Ave.		no	no	no
288	Harrington	Ave.		William J. Greening	William J. Greening	William J. Greening *
294	Harrington	Ave.		James A. Aitken	James A. Aitken	James A. Aitken *
26	Nugent	St.		Grenville Walsh (1937)	Richard Grenville Walsh	Richard Walsh *
269	Ray	Ct.		John F. Hodder (268 River St.) (Stratford Hodder 41-43)	Ralph Bird (1944) Mrs. Blanche Hodder (1947)	William Pasternik (1947)
275	Ray	Ct.		Earl Kelly (1937)	Fred A. White (1944)	Fred A. White
281	Ray	Ct.		Dr. R.L. Harold (286 River)	Dr. R.L. Harold (286 River)	Dr. R.L. Harold (286 River)

* Denotes home owner (Henderson Directory began to make this distinction in the 1948-49 edition)

				1956	1960	1965
170	Algoma	St.	N.	Mrs. Kathleen Carmichael *	John Frankow * (1957)	John Frankow *
131	Court	St.	N.	Mrs. Haliburton Mckibbin *	Danl F. Black	Filipovic and Dubinsky Barrs
146	Court	St.	N.	Earle Greer * (also lists a 146a John R. Aiken)	Harvey W. Smith * (146a Geo Grant)	Harvey W. Smith *
151	Court	St.	N.	Now listed as 151		
184	Court	St.	N.	Peter Stevens * (1955 or 1956)	Peter Stevens *	Peter Stevens *
6	Emmerson	Ave.		Arnold McCaig * (Ivan Smith 1958)	Wilbur Arthur * (1960)	Wilbert Arthur *
10	Emmerson	Ave.		Mrs. M. McMahon *	Fred Lovelady * (1960)	Fred Lovelady *
18	Emmerson	Ave.		James Campbell Hunter *	James Campbell Hunter *	Kenneth Roberts (1962)
23	Emmerson	Ave.		H. Keith McLennan *	H. Keith McLennan *	H. Keith McLennan *
29	Emmerson	Ave.		Daniel Healey * (1953)	Douglas Carmichael (1958)	Graydon McComb * (1963)
30	Emmerson	Ave.		Walter Hinzke *	Walter Hinzke *	Walter Hinzke *
31	Emmerson	Ave.		E.W. Edwards * (1953)	Mrs. E.W. Edwards (Anne) *	Duncan Russell *
32	Emmerson	Ave.		Leslie J. Seyler	Alfred Neal * (1957)	Eugene Rysinski * (1962)
260	Harrington	Ave.		James P. Botchar (Dr. Gordon Cram 1957)	George Racic * (1958)	Hamilton Mantie
270	Harrington	Ave.		no	Walt Merrifield * (1957) (270a - Mrs. Ferguson)	Walter Merrifield * (270a - Richard Deeley)
288	Harrington	Ave.		Stephen Zysko * (1954)	Lists as being suites	Walter Kruzick * (1963)
294	Harrington	Ave.		James A. Aitken *	James A. Aitken *	James A. Aitken *
26	Nugent	St.		Richard Walsh *	Richard Walsh * (1959)	Richard Walsh *
269	Ray	Ct.		Mrs. A. Paternak	Mrs. A. Pasternak * (1959) ***First listing 1957	William W. Hansell * (1961)
275	Ray	Ct.		Michael Zale (1954)	Noel Guerin * (1959) ***First listing 1957	Noel Guerin * (1961 also lists Nu-mode Interior Cleaning)
281	Ray	Ct.		Dr. R.L. Harold (286 River)	Dr. Evan Powell * (1959) ***First listing 1957	Evan Powell *

* Denotes home owner

Appendix 2 – Building Permit Listing to 1969

McVicar Creek - Harrington Court Heritage Conservation District

Building Permits (to 1969)

Address		Date	Owner	Architect	Contractor/Builder	Type	Permit #
170 Algoma	St. N.	1914-08-20	Donald K. Campbell		W. T. Crouch	House	593
		1915-05-05	Donald K. Campbell		W. T. Crouch	Garage	117
131 Court	St. N.	1915-05-10	Herbert A. McKibbon			Alterations to attic	106
		1916-04-28	Herbert A. McKibbon		W.H. Potter	Veranda	53
		1964-06-12	Filipovic and Dubinsky			Alteration - basement stairs	219
146 Court	St. N.	1927-10-20	L. Walsh		W.J. Robertson	Remodelling - changing partitions	580
		1928-05-18	Gren Walsh		W.J. Robertson	Repairs to garage	223
		1928-06-13	Walsh Coal Company		W.J. Robertson	Closing in veranda	297
		1933-08-11	C.H. Greer			General repairs	578
		1938-09-16	Mrs. Chas H. Greer		W.J. Robertson	Alterations for a suite	15
151 Court	St. N.	1914-03-31	Port Arthur Buildings LTD.	Marsh, Hutton, Powers Co.	Marsh, Hutton, Powers Co.	Apartment House	116
		1923-07-26	Port Arthur Buildings LTD.			4 Car garage	302
184 Court	St. N.	1945-04-28	Walter Turek		Henry Annala	House	70
6 Emmerson	Ave.	1941-10-15	Thas Falls	Frederick W. Watt		Garage	40
		1959-08-13	W. Arthur			Garage	226

Building Permits

Address	Date	Owner	Architect	Contractor/Builder	Type	Permit #
10 Emmerson Ave.	1958-09-29	F. Lovelady		K. Mason	Alterations - repairs to foundation and rear addition	449
18 Emmerson Ave.	1920-05-25	James Campbell Hunter		Lester Cain	Repairs to fence	80
	1924-05-05	James Campbell Hunter		W.J. Robertson	Frame garage	141
	1932-10-08	James Campbell Hunter		Lakehead Roofing	Reshingle roof	338
	1966-07-25	G. Lovelady		E.M. Reesor	Remove front porch, replace cupboards and fixtures	743
23 Emmerson Ave.	1939-07-29	Mrs. A. McLennan		J. Robertson	House	26
29 Emmerson Ave.	1923-09-19	Mrs. J.H. McLennan		W.J. Robertson	House	410
	1926-07-05	H. Thompson		A. Pechett	Garage	260
30 Emmerson Ave.	1923-10-20	A.G. Hinzke			Garage	411
	1924-05-14	A.G. Hinzke			Sun porch	165
	1924-05-30	A.G. Hinzke			Brick chimney	213
	1928-07-12	Mr. Hensky		G. Lehtinen	Foundation for garage	363
	1937-05-04	F. Hamer			General repairs	117
32 Emmerson Ave.	1914-04-17	Dr. Pratt		N. McLeod	Garage	185
	1915-04-06	Mrs. E. Bray		J. Dix Fraser	Garage	53
	1942-06-10	Mrs. Ivan Thorlow			Alterations	416
	1942-06-10	Mrs. Ivan Thorlow			Garage	415

Building Permits

Address	Date	Owner	Architect	Contractor/Builder	Type	Permit #
32 Emmerson Ave.	3/15/1943	Mrs. Ivan Thorlow			Alterations and repairs	368
	1943-07-16	I. Thorlow		L. Anderson	Reshingle roof	158
260 Harrington Ave.	1953-05-14	Mrs. Anna Racic		George Racic	House	319
270 Harrington Ave.	1955-04-27	Mrs. W. Merrifield		W. Merrifield	House	239
288 Harrington Ave.	1963-10-03	W. Kruzick			Demolish existing garage	776
	1963-10-03	W. Kruzick			Access Building - garage	777
294 Harrington Ave.						
26 Nugent St.	1914-05-05	L. Walsh	(Lot 22? - check)	Peter Tonge	Alteration - stable	299
	1923-06-15	Gren Walsh		W.J. Robertson	Frame veranda	225
269 Ray Ct.						
275 Ray Ct.	1937-08-11	E. Kelly		E. Zelinski	House	345
281 Ray Ct.	1932-04-26	Dr. Harold		W.J. Robertson	Reshingle roof	65
	1935-04-26	Dr. Harold		Frank Tonge	Extension to sun room	984

Appendix 3 – Secondary Study Area

Secondary Study Area



125 Algoma St. N.



154 Algoma St. N.



178 Algoma St. N.



190 Algoma St. N.
Built: 1911*



194 Algoma St. N.
Built: 1906*



198 Algoma St. N.
Built: 1906*



200 Algoma St. N.
Built: 1904*



204 Algoma St. N.
Built: 1906*

Secondary Study Area



208 Algoma St. N.
Built: 1906



156 Court St. N.
Built: 1910*



160 Court St. N.
Built: 1910*



164 Court St. N.
Built: 1910*



165 Court St. N.



183 Court St. N.
Built: 1907*



187 Court St. N.
Built: 1958



189 Court St. N.
Built: 1905*

Secondary Study Area



193 Court St. N.
Built: 1906*



17 Emmerson Ave.
Built: 1944



282 Ray Ct.
Built: 1911*



280 Ray Ct.
Built: 1911*



276 Ray Ct.
Built: 1912*



270 Ray Ct.
Built: 1936



268 Ray Ct.
Built: 1911*



264 Ray Ct.
Built: 1911*

Secondary Study Area



255 Harrington Ave.
Built: 1950



263 Harrington Ave.
Built: 1936



267 Harrington Ave.
Built: 1936



271 Harrington Ave.
Built: 1940



275 Harrington Ave.
Built: 1929



279 Harrington Ave.
Built: 1924*



Port Arthur Health Clinic - 194 Court N.
Built: Original Building on lots 2 & 3 @ 194 Court St. N - 1905*
Original Building on lots 4 & 5 @ 186 Court St. N. - 1910*



Secondary Study Area



250 Elgin St.
Built: 1905*



233 Elgin St.
Built: 1905*



227 Elgin St.
Built: 1927



225 Elgin St.
Built: 1944



219 Elgin St.
Built: 1969



215 Elgin St.
Built: 1934



213 Elgin St.
Built: 1909*



207 Elgin St.
Built: 1906*

Secondary Study Area



255 River St.



31 Nugent St.
Built: 1910*



223 McVicar St.
Built: 1913*



221 McVicar St.
Built: 1910*



217 McVicar St.
Built: 1910*



142 Cumberland St. N.
Built: 1937

Dates marked by a * indicates that this was the year that the water service was installed, not necessarily the year that the house was built. See City of Thunder Bay Archives, Records of Water Services Series 178 TBA 5469-5472 for further information.

Appendix 4 – Ontario Heritage Act

Ontario Heritage Act

R.S.O. 1990, CHAPTER O.18

PART V

HERITAGE CONSERVATION DISTRICTS

Definition

39.1 In this Part, “property” means real property and includes all buildings and structures thereon. 2002, c. 18, Sched. F, s. 2 (20).

Register

39.2 (1) The clerk of a municipality shall keep a register of all heritage conservation districts designated under this Part that are situate in the municipality and shall ensure that the register contains a map or description of the area of each such heritage conservation district. 2002, c. 18, Sched. F, s. 2 (21).

Extracts

(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 set by the municipality by by-law. 2002, c. 18, Sched. F, s. 2 (21).

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. R.S.O. 1990, c. O.18, s. 40 (1).

Consultation

(2) Where the council of a municipality has established a municipal heritage 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 municipal heritage committee. R.S.O. 1990, c. O.18, s. 40 (2); 2002, c. 18, Sched. F, s. 2 (22).

Designation of heritage conservation district

41. (1) 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. R.S.O. 1990, c. O.18, s. 41 (1); 2002, c. 18, Sched. F, s. 2 (23).

Property designated under Part IV

(2) A property that is designated under Part IV may subsequently be included in an area designated as a heritage conservation district under this Part, and a property that is included in an area designated as a heritage conservation district under this Part may subsequently be designated under Part IV. 2002, c. 18, Sched. F, s. 2 (24).

Part IV applies

(2.1) If a property is designated under Part IV and is included in an area designated as a heritage conservation district under this Part, the property is subject to Part IV and is not subject to Part V. 2002, c. 18, Sched. F, s. 2 (24).

Notice of by-law

(3) If the council of a municipality passes a by-law under this section designating the municipality or any defined area or areas of the municipality as a heritage conservation district, the council shall cause notice of the passage of the by-law,

- (a) to be served on each owner of property located in the heritage conservation district and on the Foundation; and
- (b) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (25).

Appeal to Board

(4) Any person who objects to the by-law may appeal to the Board by giving the clerk of the municipality, within 30 days after the date of publication under clause (3) (b), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the *Ontario Municipal Board Act*. 2002, c. 18, Sched. F, s. 2 (25).

If no notice of appeal

(5) If no notice of appeal is given to the clerk within the time period specified in subsection (4), the by-law comes into force on the day following the last day of the period. 2002, c. 18, Sched. F, s. 2 (25).

If notice of appeal

(6) If a notice of appeal is given to the clerk within the time period specified in subsection (4), the Board shall hold a hearing open to the public and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Board may determine. 2002, c. 18, Sched. F, s. 2 (25).

Powers of Board

- (7) After holding the hearing, the Board shall,
 - (a) dismiss the appeal; or
 - (b) allow the appeal in whole or in part and,
 - (i) repeal the by-law,
 - (ii) amend the by-law in such manner as the Board may determine,
 - (iii) direct the council of the municipality to repeal the by-law, or
 - (iv) direct the council of the municipality to amend the by-law in accordance with the Board's order. 2002, c. 18, Sched. F, s. 2 (25).

Dismissal without hearing of appeal

(8) Despite the *Statutory Powers Procedure Act* and subsections (6) and (7), the Board may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Board is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Board could allow all or part of the appeal, or

- (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the by-law;
- (c) the appellant has not paid the fee prescribed under the *Ontario Municipal Board Act*; or
- (d) the appellant has not responded to a request by the Board for further information within the time specified by the Board. 2002, c. 18, Sched. F, s. 2 (25).

Representations

(9) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (8), the Board shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) hold a hearing with respect to the proposed dismissal or give the appellant an opportunity to make representations with respect to the proposed dismissal. 2002, c. 18, Sched. F, s. 2 (25).

Coming into force

(10) If one or more notices of appeal are given to the clerk within the time period specified in subsection (4),

- (a) the by-law comes into force when all of such appeals have been withdrawn or dismissed;
- (b) if the by-law is amended by the Board under subclause (7) (b) (ii), the by-law, as amended by the Board, comes into force on the day it is so amended; or
- (c) if the by-law is amended by the council pursuant to subclause (7) (b) (iv), the by-law, as amended by the council, comes into force on the day it is so amended. 2002, c. 18, Sched. F, s. 2 (25).

Transition

(11) If, on the day subsection 2 (25) of Schedule F to the *Government Efficiency Act, 2002* comes into force, a by-law designating a heritage conservation district has been passed by a municipality and the Board has not begun to hold a hearing under subsection (6) of this section, as it read immediately before that day, subsections (3) to (10) of this section apply to the by-law. 2002, c. 18, Sched. F, s. 2 (25).

Same

(12) If, on the day subsection 2 (25) of Schedule F to the *Government Efficiency Act, 2002* comes into force, a by-law designating a heritage conservation district has been passed by a municipality and the Board has completed or has begun to hold a hearing under subsection (6) of this section, as it read before that day, but has not yet issued its formal order,

- (a) subsections (3) to (10) of this section do not apply to the by-law;
- (b) despite their repeal by subsection 2 (25) of Schedule F to the *Government Efficiency Act, 2002*, subsections (3) to (8) of this section, as they read immediately before the day subsection 2 (25) of Schedule F to the *Government Efficiency Act, 2002* came into force, continue to apply to the by-law. 2002, c. 18, Sched. F, s. 2 (25).

Erection, demolition, alteration or removal of structure

42. (1) If a by-law passed under section 41 designating a heritage conservation district is in force, no owner of property located in the heritage conservation district shall erect,

demolish or remove, or permit the erection, demolition or removal of, any building or structure on the property or alter, or permit the alteration of, the external portions of any building or structure on the property, unless the owner applies to the council of the municipality in which the property is situate and is given a permit for the erection, demolition, removal or alteration. 2002, c. 18, Sched. F, s. 2 (26).

Application

(2) An application under subsection (1) shall contain or be accompanied by such information as the council may require. 2002, c. 18, Sched. F, s. 2 (26).

Notice of receipt

(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. 2002, c. 18, Sched. F, s. 2 (26).

Decision of council

(4) Within 90 days after the notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- (a) the permit applied for;
- (b) notice that the council is refusing the application for the permit; or
- (c) the permit applied for, with terms and conditions attached, in the case of an application for a permit to erect, or alter the external portions of, a building or structure. 2002, c. 18, Sched. F, s. 2 (26).

Deemed permit

(5) If the council fails to do any of the things mentioned in subsection (4) within the time period mentioned in subsection (4), the council shall be deemed to have given the applicant the permit applied for. 2002, c. 18, Sched. F, s. 2 (26).

Erection or alteration

(6) In the case of an application under this section for a permit to erect, or alter the external portions of, a building or structure, if the council refuses the application or gives the owner the permit with terms and conditions attached, the owner may appeal to the Board. 2002, c. 18, Sched. F, s. 2 (26).

Notice of appeal

(7) To appeal to the Board, the owner must give a notice of appeal to the Board within 30 days after the owner receives notice that the council is refusing the application, or receives the permit with the terms and conditions attached, as the case may be. 2002, c. 18, Sched. F, s. 2 (26).

Board's powers

- (8) The Board shall hear the appeal and shall,
 - (a) dismiss the appeal; or
 - (b) direct that the permit be issued without terms and conditions or with such terms and conditions as the Board by its order may direct. 2002, c. 18, Sched. F, s. 2 (26).

Transition, prior failure to give permit or notice

(9) If, on the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* comes into force, an appeal to the Board, that was commenced under subsection 44 (1) of this Act as a result of the council's failure to make a decision within the period provided for in section 43 of this Act, has not been finally disposed of,

- (a) subsection (5) of this section does not apply;
- (b) despite its repeal by subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002*, subsection 44 (1) of this Act, as it read immediately before the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* came into force, continues to apply to the appeal. 2002, c. 18, Sched. F, s. 2 (26).

Requirements for demolition or removal if council refuses permit

(10) In the case of an application under this section for a permit to demolish or remove a building or structure, if the council refuses the application, the council's decision is final and the owner shall not demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,

- (a) 180 days have elapsed from the date of the council's notice to the owner that the council is refusing the application for the permit; and
- (b) the owner has applied to the council under this section and been given a permit to erect a new building on the site of the building or structure sought to be demolished or removed. 2002, c. 18, Sched. F, s. 2 (26).

Transition, prior application

(11) In the case of an application under this section for a permit to demolish or remove a building or structure, if the decision of the council of a municipality is made or to be made on or after the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* comes into force, subsections (2), (3), (4), (5) and (10) of this section apply even if the application was made before that day. 2002, c. 18, Sched. F, s. 2 (26).

Transition, prior refusal

(12) If, before the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* comes into force, the council of a municipality has refused an application by an owner of property located in a heritage conservation district designated under this Part, for a permit to demolish or remove a building or structure on the property, the owner shall not, on or after the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* comes into force, demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,

- (a) 180 days have elapsed from the date of the council's notice to the owner that the council is refusing the application for the permit; and
- (b) the owner has applied to the council under this section and been given a permit to erect a new building on the site of the building or structure sought to be demolished or removed. 2002, c. 18, Sched. F, s. 2 (26).

Transition, work commenced

(13) Subsection (12) applies even if work on the demolition or removal of the building or structure has been commenced before the day subsection 2 (26) of Schedule F to the *Government Efficiency Act, 2002* comes into force. 2002, c. 18, Sched. F, s. 2 (26).

Requirement for new building

43. (1) A person to whom subsection 42 (10) or (12) applies shall, within two years after commencing the demolition or removal of the building or structure or any part of it, substantially complete the new building to be erected on the site. 2002, c. 18, Sched. F, s. 2 (26).

Application to council

(2) A person who is subject to the requirement imposed by subsection (1) may apply to the council, and section 34.1 applies to the application with the necessary modifications. 2002, c. 18, Sched. F, s. 2 (26).

Appeal to Board

(3) A person who makes an application under subsection (2) may appeal to the Board, and section 34.2 applies to the appeal with the necessary modifications. 2002, c. 18, Sched. F, s. 2 (26).

Transition

44. If, on the day section 4 of Schedule F to the *Government Efficiency Act, 2002* comes into force, a process relating to a matter dealt with in any of sections 41 to 43 of this Act has been commenced but not completed under an Act or a part of an Act repealed by section 4 of Schedule F to the *Government Efficiency Act, 2002*, the process shall be continued under sections 41 to 43 of this Act. 2002, c. 18, Sched. F, s. 2 (26).

Application, ss. 36 to 39

45. 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. R.S.O. 1990, c. O.18, s. 45.

Delegation

46. The council of a municipality that forms part of an upper-tier municipality may delegate its power under this Part to the council of the upper-tier municipality. 2002, c. 17, Sched. F, Table.