



Council Report

Report Number ED2020-024

Meeting Date: October 20, 2020

Title: Commenting on the Proposed Regulations under the Ontario Heritage Act

Description: Comments from the Kawartha Lakes Municipal Heritage Committee regarding proposed new regulations under the Ontario Heritage Act (Bill 108)

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report ED2020-024, **Commenting on the Proposed Regulations under the Ontario Heritage Act**, be received;

That the comments from the Kawartha Lakes Municipal Heritage Committee on the proposed regulations under the Ontario Heritage Act, R.S.O. 1990, c.O.18, be endorsed; and

That the comments be submitted through the Environmental Registry of Ontario.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

As part of the amendments to the Ontario Heritage Act which were passed as part of the More Homes, More Choice Act, 2019, S.O. 2019 (Bill 108), the provincial government is proposing new regulations which will help clarify some of the amendments. These new regulations were drafted by the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) in summer 2020 and posted on the Environmental Registry for comment on September 21, 2020. The commenting period closes on November 5, 2020. They were also circulated on behalf of the deputy minister to heritage planners and municipal heritage committees throughout the province so that they could provide input on the proposed new regulations. The proposed regulations are attached as Appendix A.

The Kawartha Lakes Municipal Heritage Committee reviewed the proposed regulations at its meeting of October 8, 2020 and passed the following resolution:

KLMHC2020-43

Moved By A. Hart

Seconded By Councillor Ashmore

That Report KLMHC2020-25, **Proposed Ontario Heritage Act Regulations**, be received; and

That the Committee provide comment on the proposed regulations through the Chair; and

That this recommendation be forwarded to Council for consideration.

Carried

The Committee has provided comments in the form of a letter from the Vice-Chair. The letter is attached as Appendix B.

However, under the Committee's terms of reference, neither individual members nor the committee as a whole are permitted to make direct representations to the federal or provincial governments. This would include commenting directly on the Environmental Registry regarding proposed changes to legislation or its associated policies and regulation. In order for the Committee to provide comment on the proposed regulations, it would be required to comment through Council.

It is important that the Committee provide comment on the new regulations because they will have a significant impact on the way in which the municipality undertakes heritage planning once they come into force. Given that its terms of reference identify one of the roles of the Committee as providing recommendations regarding legislation and policies, it is appropriate that the Committee, through Council, provide comment on the proposed new regulations.

As the primary heritage body within the municipality, the Committee should be engaged with wider discussions in heritage planning which will impact the City's operations.

This report addresses that purpose.

Rationale:

On June 6, 2019, the More Homes, More Choice Act, 2019 received royal assent. This act, also known as Bill 108, made amendments to a number of pieces of planning related legislations, including the Ontario Heritage Act. The amendments to the Ontario Heritage Act are not yet in force.

Several of the amendments required additional details to be prescribed through regulations. These regulations change and clarify the processes for identifying, designating and managing proposed changes to properties of cultural heritage value. These regulations have the potential to significantly impact the way that municipalities approach the conservation of historic properties and their associated internal processes.

The regulations cover the following topics:

1. Principles to guide municipal decision making
2. Mandatory content for designation by-laws
3. 90-day timeline to issue a Notice of Intention to Designate
4. 120-day timeline to pass a designation by-law
5. 60-day timeline to confirm complete applications
6. Prescribed steps following Council's consent to a demolition or removal under s. 34.3
7. Information to be provided to LPAT upon appeal
8. Housekeeping amendments
9. Transition.

While some of the regulations, such as the housekeeping and transition regulations, will have a limited impact on the City's heritage planning program, other regulations, notably the 90-day timeline to issue a Notice of Intention to Designate when certain types of applications are filed under the Planning Act, have the potential to significantly impact heritage processes. The Municipal Heritage Committee has drafted comments which address some of the areas where the regulations will impact the municipality. Specifically, the Committee has concerns regarding the principles guiding decision making, the 90-day timeline to issue a notice of intention to designate and the general process of LPAT appeals. Comments from municipalities and their heritage committees across the province will allow the MHTSCI to fully appreciate the impact these changes will have and make adjustments or provide clarification accordingly.

The province intends to bring the amendments and associated regulations into force on January 1, 2021. The Ministry is also in the process of updating the

Ontario Heritage Toolkit which provides practical advice and recommendations regarding undertaking heritage planning in Ontario.

Other Alternatives Considered:

There are no recommended alternatives.

Alignment to Strategic Priorities

The four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The recommendations of this report support the strategic priority an Exceptional Quality of Life by supporting and promoting arts, cultural and heritage. The comments provided by the Committee are important as part of the wider review process for regulations which will shape how the City preserves its built heritage.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

Municipal Heritage Committee
Ministry of Heritage, Sport, Tourism and Culture Industries

Attachments:

Appendix A – Proposed Regulations under the Ontario Heritage Act



Proposed OHA
Regulations.pdf

Appendix B – Municipal Heritage Committee Comments



Municipal Heritage
Committee Comments

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Department Head: Chris Marshall, Director of Development Services