

November 15, 2022

Emily Turner
Economic Development Officer – Heritage Planning
City of Kawartha Lakes
180 Kent Street West
Lindsay ON K9V 2Y6

Dear Ms. Turner;

RE: Proposed Ontario Heritage Act Amendments

The Kawartha Lakes Municipal Heritage Committee has reviewed the proposed amendments to the Ontario Heritage Act through the More Homes Built Faster Act (2022) and has a number of concerns regarding the proposed changes. The Committee feels that many of the changes proposed in the legislation are far-reaching and unnecessary, and will significantly impact the ability of municipalities, Councils and their heritage committees to identify, protect and preserve cultural heritage resources which are important to our local communities. The Committee's comments are summarized as follows:

- The Committee is extremely concerned regarding the changes to the listing process. Listing is a highly effective method of protecting properties while providing flexibility to property owners and limiting red tape. Many property owners in our communities are happy and comfortable with having their property listed, but would prefer it not be designated. It is important to the Committee that the needs and wants of property owners be respected in the heritage process and the changes being proposed to listing – namely the requirement that properties be designated after two years or be removed from the Register – are not conducive to the kind of community building that the Committee undertakes. These changes will force municipalities to designate these properties to ensure their long-term protection, likely without property owner consent, which is not the type of positive relationship that the Committee wants to have with our local communities. The Committee has spent many years working to educate property owners about listing and has assured properties owners that listing is not a stepping stone to designation. These changes would make untrue many of the things the Committee, and others across the province have worked towards, and undermine the good public outreach and education it undertakes. It is likely that these changes will lead to committees across the province to stop listing heritage properties which will ultimately lead to poorer preservation efforts and less vibrant communities.

- The timelines identified under the amendments, specifically related to listing properties, removing them from the Register and adding them to the Register again, are completely arbitrary. There is no logic behind these timelines and they serve only to make the heritage preservation process more difficult and reactionary. They appear to be forcing municipalities to play a game of heritage whack-a-mole which wastes time, resources and tax-payer dollars, instead of allowing staff, heritage committees and Council to create, maintain and promote robust and transparent heritage programs which are of benefit to the community. This is particularly the case with regard to the requirement that a property be listed in order for designation to be considered as part of a development application, as municipalities will have to guess with regard to which properties might be at risk and list accordingly.
- The changes to listing properties will create a huge and significant workload increase for municipal staff, heritage committees and Councils. The province does not appear to be providing resources to assist with this additional work which will negatively impact the ability of municipalities to undertake it.
- It appears highly likely that the requirement for municipalities to designate listed properties will result in a significant number of appeals to the Ontario Land Tribunal. The Committee has concerns that this will fill the OLT's schedule and vastly increase the appeal times for any type of planning appeal in the province.
- The changes effectively undermine the role of the Municipal Heritage Committee and the local community in providing input into the preservation of heritage properties by forcing municipalities' hands through unnecessary changes and timelines which do not allow for robust and appropriate consultation.
- It is the opinion of the Committee that the intent of the amendments is to strip powers away from municipalities to make decisions regarding the heritage of their own communities and allow developers to do as they will, without regard for the communities they are entering into and local history and heritage. Communities across Ontario need to be able to make decisions about protecting their heritage and require the flexible and positive tools within the Act as it currently stands to do so.
- The Committee is additionally concerned regarding the move of staff and jurisdiction for the Act from the Ministry of Sport, Tourism and Culture to the Ministry of Citizenship and Multiculturalism. This does not align with the type of legislation that the Act is, which fits more closely with the Ministry of Municipal Affairs and Housing. Without leadership which understands and appreciates the role of heritage preservation in the land use planning process, the Committee feels that the application of the Act will be neither thoughtful or effective under this new ministry.

The Committee recognizes and supports the need for new and affordable housing across the province, but does not feel that the preservation of our heritage and the construction of new homes are mutually exclusive goal in opposition to one another.

These amendments do nothing to address the housing shortage in a real way. Heritage and housing are not a zero sum game, and the creative ways that heritage building have been used and reused across the province shows that preservation and growth can have aligning and complementary goals. With good and effective heritage legislation across the province, the Committee feels that our communities can achieve both of these aims, and that this is not reflected in the current changes being proposed to the Act.

Sincerely,

A handwritten signature in cursive script that reads "Athol Hart".

Athol Hart
Chair Kawartha Lakes Municipal Heritage Committee