

November 30, 2023

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

Dear Ms. Turner;

The Kawartha Lakes Municipal Heritage Committee has reviewed the proposed amendments to the Ontario Heritage Act and its associated regulations through Bill 139, the Less Red Tape More Common Sense Act. The Committee has significant concerns regarding these amendments and would like to offer its comments for submission to the Environmental Registry of Ontario alongside comments from City staff.

The Committee's concerns can be summarized as follows:

- **Lack of clarity regarding application:** The application of the legislative and regulatory amendments is not clear and the Committee feels that additional clarification as to when an organization would be eligible to apply through this stream is seriously required. What does it mean for an alteration to be required for religious practice or for attributes to be connected to religious practice? The interpretation of what this means could vary wildly from municipality to municipality or applicant to applicant. It is not clear if these conditions apply solely to liturgical features with specific functions and theological purposes, such as rood screens and alters, or to features which are more loosely connected to religious activities such as pews. The Ministry needs to provide significantly more direction on when and where these new conditions would be applicable. The lack of clarity is a disservice to both applicants and municipalities.
- **Revised timelines:** The new 30-day timeline is too short to review and approve an application. While there are certainly some straightforward applications which could be reviewed and approved within this timeline, the Committee has significant concern that this would not be the case for many applications where there may be complexity to them or where the application should be denied. In the City of Kawartha Lakes, the Municipal Heritage Committee reviews applications related to individually designated properties prior to approval. The Committee only meets once per month, meaning that it may be a challenge for the application to go onto a Committee agenda depending on when it is received. Similarly, applications which involve the removal of heritage attributes

and would be classified as a demolition or those which staff and the Committee should be denied must be reviewed and approved by Council, as per the regulations of the Act. The steps to approve or deny such as application, including receipt of an application, review by staff, review by the Municipal Heritage Committee and then review by Council is under no circumstances achievable under this new timeline.

- **Approvals without conditions:** The ability to issue conditional approvals is extremely important in the review and approval of heritage applications and the Committee is very concerned that this ability will be taken away for certain types of applications. Conditional approvals are frequently used to help come to a consensus with the property owner, while still signalling that a project can go ahead but usually with minor modifications. The Committee views conditional approvals as a method of working with the property owner to come to a good solution. It is likely that, without conditional approvals, more applications will just be denied which will be a detriment to property owners and create more challenges in getting their applications approved and projects completed.
- **Increase in complexity:** The new application requirements for applications that fall under the amendments are substantially more complex than the applications requirements under the regular stream. The addition of new information that must be provided by the applicant goes above and beyond what most applicants need to provide and are not necessary to process heritage permit applications. Further, they increase the complexity and time required for staff and the Municipal Heritage Committee to review these applications, increasing delays and creating more opportunities for applications to be declared incomplete.
- **Application to Indigenous communities:** The addition of Indigenous communities to the amendments and associated regulations feels like an afterthought and the Committee would like additional information on how and under what circumstances these amendments would apply to applications made by Indigenous communities. The Committee is committed to reconciliation and working closely with Indigenous groups and communities but does not feel that these amendments adequately address how they apply to Indigenous communities or what benefit would be derived from them.

The Committee is also confused as to why these regulations have come about. They are extremely niche as they only apply to religious groups and do not appear to have any real benefit to property owners or municipalities. It appears that the Ministry is trying to fix a problem that does not exist and, as a result, making the alteration application process substantially more difficult for all parties. The Committee would appreciate additional clarity from the Ministry as to the rationale for these new regulations to better understand their impact and purpose.

Sincerely,

A handwritten signature in cursive script that reads "Athol Hart." The signature is written in black ink and includes a period at the end.

Athol Hart
Chair, Kawartha Lakes Municipal Heritage Committee