



Municipal Heritage Committee Report

Report Number:	KLMHC2024-039
Meeting Date:	June 6, 2024
Title:	Proposed Amendments to the Ontario Heritage Act through Bill 200
Description:	Proposed amendments to the Ontario Heritage Act regarding listed properties through Bill 200
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-039, **Proposed Amendments to the Ontario Heritage Act through Bill 200**, be received; and

That comments regarding the proposed amendments be provided to staff through the Chair.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In late 2022, the provincial government passed Bill 23 which made broad and sweeping changes to a variety of pieces of legislation governing land use planning in Ontario, including the Ontario Heritage Act. In particular, Bill 23 made significant changes to listing as a method of heritage protection in Ontario. The amendments now require municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. Practically, this means that, in order for municipalities to provide heritage protection to its cultural heritage resources as is required by provincial land use planning policy, they must be designated under Part IV of the Act. The amendments came into effect on January 1, 2023 with a deadline to review and designate listed properties of January 1, 2025 before they were removed from the Register.

The provincial government has recently announced that it has been monitoring the implementation of Bill 23 amendments to the Ontario Heritage Act and has decided to make additional amendments to address challenges faced by municipalities and to provide additional clarity to processes regarding removing properties from the Heritage Register. Bill 200, the Homeowner Protection Act, was introduced in May 2024 and proposes several changes to the OHA regarding listed properties. The bill also addresses other matters related to homebuying and some land use planning matters. Schedule 2 of the Bill, which provides the amendments to the OHA, is attached as Appendix A of this report.

The amendments have been posted on the ERO for commenting with a commenting deadline of June 26, 2024. Staff are recommending that the Committee review and provide comment on the proposed amendments as they directly impact the work of the Committee and the heritage planning program at the City.

Rationale:

In response to provincial monitoring of the implementation of the Bill 23 changes to the OHA Bill 200 proposes two changes to the existing regulation which support the updates to the OHA made through Bill 23 in 2022. In general, these changes seek to provide municipalities with more time to review its Heritage Register and provide clarification regarding the relisting of properties that have been removed from the Register.

Designation of Listed Properties

At present, listed properties that were listed prior to January 1, 2023 will be removed from the Register on January 1, 2025 unless a notice of intention to designate had been issued prior to that date. The amendments are proposing to extend that deadline until January 1, 2027 to give municipalities time to continue to review their registers. This change in date would also adjust the beginning of the five year prohibition against relisting these properties to January 1, 2027. The Ministry of Citizenship and Multiculturalism is also proposing to include new regulation making authority to allow for these dates to be adjusted in future.

These amendments will provide additional time for municipal review and the designation of listed properties. However, it will require changes to messaging related to listed properties as it has been widely publicized that listed properties will be automatically removed from the Register in 2025.

Voluntary Removal of Listed Properties from the Register and Relisting

One of the major areas of opaqueness related to the Bill 23 amendments is with regard to the voluntary removal of listed properties to the Register and the ability to relist those properties. At present, the OHA only speaks to a prohibition against relisting properties for five years for properties that are removed from the Register either as a result of the January 1, 2025 deadline or when a notice of intention to designate is withdrawn. It does not speak to whether or not a property listed prior to 2023 that is removed from the Register by a Council resolution.

Under the proposed amendments, the same rules would apply to a property that is voluntarily removed from the Register as those which are automatically removed as a result of the deadline or when a notice of intention to designate is withdrawn as follows:

- Properties that are voluntarily removed from the Register prior to January 1, 2027 may be relisted prior to that date following the processes for listing outlined under the Act.
- Properties that are voluntarily removed from the Register and not relisted prior to that date may not be listed again for five years starting from January 1, 2027.
- Properties that are voluntarily removed, then relisted, then removed again, either voluntarily or through the withdrawal of a notice of intention to designate, may not be listed again for five years from the date they are removed from the Register for the second time.

There are very few listed properties in Kawartha Lakes that have been voluntarily removed from the Register, so the direction regarding properties that have already been removed will have limited impact. The proposed amendments does clarify questions that have been raised regarding the voluntary removal of property from the Register and will assist the City in determining next steps for its currently listed properties.

Other Alternatives Considered:

The Committee could choose not to provide comments on the proposed legislative amendments. However, this is not recommended as the amendments directly impact the work of the Committee and heritage planning in Kawartha Lakes.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

Ministry of Citizenship and Multiculturalism

Attachments:

Appendix A – Bill 200 Schedule 2



Adobe Acrobat
Document

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