



Municipal Heritage Committee Report

Report Number:	KLMHC2024-041
Meeting Date:	July 4, 2024
Title:	Proposed Amendments to the Heritage Applications Policy
Description:	Amendments to Policy CP2021-040 (Heritage Applications Policy) in response to Bill 139
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2024-042, **Proposed Amendments to the Heritage Applications Policy**, be received;

That the proposed amendments to the Heritage Applications Policy (CP2021-040), as outlined in Appendix A of this report, be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In October 2023, the provincial government introduced Bill 139, the Less Red Tape More Common Sense Bill. The intent of the bill was to improve service delivery across a range of sectors and it included a variety of amendments to twenty pieces of diverse legislation, including amendments to Section 33 of the Ontario Heritage Act. Bill 139 received royal assent in December 2023 but not all of the amendments came into effect at that time. In particular, the OHA amendments were not enacted in order to provide time to finalize the regulatory amendments that were also required to enact the changes to Section 33. The regulatory amendments have now been finalized as an amendment to Ontario Regulation 385/21 (General) and the OHA amendments came into effect on July 1, 2024. The Committee reviewed these amendments at its meeting of June 6, 2024. In general, the amendments provide an alternative applications stream for properties that are used for religious or spiritual practices when the following conditions are met:

- The building, or part thereof, to be altered is primarily used for religious practices;
- The heritage attributes to be altered are connected to religious practices;
- The alteration of the heritage attributes is required for religious practices;
- Any additional conditions prescribed by regulation (this would be a new regulation making authority); and,
- The applicant provides council with an affidavit or sworn declaration that the application meets the conditions in the Act or prescribed in regulation.

Municipalities would rely on the sworn affidavit to demonstrate that the above conditions are met. Religious practices would include both the practices of religious organizations, such as churches, and the religious and spiritual practices of Indigenous communities or organizations. As with any other application made under Section 33 of the Act, the deeming of a complete application and consent or denial of said application would need to be undertaken within the prescribed timelines under the Act. The majority of the amendments have been enacted through O. Reg 385/21.

The primary impact of these changes is that municipalities may only approve or deny applications of this type and they must be approved or denied within 60 days, as opposed to the regular 90 days allowed under the Act for the majority of applications. Applications may not be approved with conditions.

In order to enact these changes in City process, the Heritage Applications Policy requires amendments to reflect the regulatory changes with regard to submission requirements and procedures. The Heritage Applications Policy is the City's overarching policy guiding how applications for heritage related applications are received and processed and what information is required for a complete application. In order to align the policy with the legislative changes, amendments are required.

This report provides background and rationale for amending the Heritage Applications Policy, as well as a draft of the proposed amended policy. This draft is attached to this report as Appendix A and highlights the changes being proposed. Amendments to heritage-related by-laws and policies are reviewed by the Committee prior to their presentation to Council under the cover of a staff report which include the Committee's recommendation regarding adoption of or amendments to by-laws and policies.

Rationale:

The amendments proposed are intended to align the Heritage Applications Policy with the amendments to the Ontario Heritage Act and Ontario Regulation 385/21. The proposed amendments are summarized below.

Definitions

A new definition has been added to clarify the definition of a "building used for religious purposes." This definition is the definition created by the Ministry as part of the amendments to the Act to clarify the types of properties to which to new regulations apply.

Alterations to Buildings Used for Religious Purposes

A new section has been added to the policy to provide an overview of the application requirements for religious buildings. This section includes the application requirements, as outlined in Ontario Regulation 385/21, information around which stream an applicant should choose when applying for a permit, and information regarding application for other permits and approvals, such as Building and Septic Permits and Planning Act applications.

Timeframes

Information regarding the timeline for the approval of applications related to buildings used for religious purposes has been added.

Administrative Amendments

A number of amendments have also been made to the policy to correct administrative errors, such as typos, and to update section and subsection references in the Ontario Heritage Act where numbering has changed due to recent amendments through Bill 139 and Bill 200. Additional clarifying wording has also been added related to consultation with Indigenous communities and deemed consent.

Other Alternatives Considered:

There are no recommended alternatives. The Heritage Applications Policy must align with current provincial legislation and the amendment of the policy to include information regarding applications for religious buildings provides transparency regarding the City's processes for receiving and reviewing heritage permit applications. Although the proposed amendments add additional complexity to the heritage permit application process for religious buildings and would generally not be recommended by staff, the amendments are being proposed to ensure the policy aligns with provincial direction and the option for property owners and tenants to pursue this approval stream for qualifying properties must be available in City policy and processes.

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 – Proposed Amendments to the Heritage Applications Policy (red-line)



Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services