



Municipal Heritage Committee Report

Report Number: KLMHC2025-039

Meeting Date: May 1, 2025

Title: **Proposed Amendments to the Ontario Heritage Act**

Description: Proposed amendments to the Ontario Heritage Act through Bill 5, the Protect Ontario by Unleashing Our Economy Act (2025)

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

Recommendations:

That Report KLMHC2025-039, **Proposed Amendments to the Ontario Heritage Act**, be received; and

That the Committee provide comments to staff through the Chair.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

On April 17, 2025, the provincial government introduced the Protecting Ontario by Unleashing Our Economy Act (2025), also known as Bill 5. This Act proposed amendments to a variety of legislation to make changes to regulations related to environmental protections, mining, and procurement and is intended to spearhead more rapid development in areas of provincial priorities. It also introduced the idea of Special Economic Zones that the province may designate for areas of strategic importance for provincial economic and development priorities through the new Special Economic Zones Act which is included as part of Bill 5.

The amendments proposed through Bill 5 include amendments to the Ontario Heritage Act. These amendments primarily impact archaeology and archaeological assessments taking place as part of development proposal and are summarized for the Committee's review below. These proposed amendments are currently posted on the Environmental Registry of Ontario (ERO) for commenting. The commenting deadline is May 17. A copy of Bill 5 is attached as Appendix A including a summary of the major amendments and the full text of the bill.

This report is intended to provide an overview of the proposed amendments to give the opportunity for the Committee to provide comment on them. The Committee's comments are prepared by the Chair in a letter to staff. Staff then include the Committee's comments as part of the overall City comments and response to the proposed legislative changes.

Rationale:

The proposed amendments to the Ontario Heritage Act through Bill 5 are as follows:

Exemption for Property

The amendments are proposing that the Lieutenant Governor in Council be given the authority to exempt property from the requirements under Part VI of the Ontario Heritage Act and from the requirement to complete an archaeological assessment under both the OHA or any other provincial legislation, such as the Planning Act or Environmental Assessment Act if the exemption could advance provincial priorities including, but not limited to, housing, transit, health and long-term care, and infrastructure. Regulations would be established criteria that must be met in order for a property to be eligible for an exemption.

The Ministry is proposing to consult separately on these regulations.

Expanding Existing Inspection Authorities

Presently, the Ministry has the ability to inspect licensed archaeologists, properties on which they are conducting or have conducted an archaeological assessment, and their business premises including labs, storage and offices. The proposed amendments would allow for the Minister to direct and inspection on any piece of land or under water to determine if archaeological sites or artifacts are present.

Establishing Authority for the Minister to Order an Archaeological Assessment

A new provision is proposed to be added to the Act to allow the Minister the ability to order the completion of an archaeological assessment, including fieldwork. The Minister currently does not have this power under the Act.

Enhancing Powers to Seize and Direct Artifacts and Archaeological Collections

The amendments are proposing to expand the Minister's existing powers to seize artifacts and archaeological collections from both individuals and businesses without licences and licensees who are in contravention of their licenses. It would also allow the Minister to direct their deposit with public institutions or Indigenous communities.

Authorizing Investigations

The OHA currently does not have investigating powers under Part VI of the Act but rather relies on authority under the Provincial Offences Act. The proposed amendments would explicitly add investigative powers to the OHA as it relates to archaeology including obtaining warrants and searching premises, details of investigators powers, and protection orders for documents or data.

Setting Out a Limitations Period

There is currently no explicit limitations period for offenses committed under the OHA and, as such, defaults to the limit under the POA of six months from the date an offense was committed. The proposed amendments would set out a limitation period of two years that would apply to any offense under the OHA.

Orders to Prevent Damage

The proposed amendments would authorize court orders to prevent, eliminate or ameliorate damage connected with the commission of an offense.

Definitions

The proposed amendments would allow for the terms “archaeological collection” and “public institution” to be defined through regulation. These terms are currently not defined in the Act. Consultation will occur separately on the definitions of these terms.

New definitions for these terms will likely impact where artifacts from archaeological sites can be stored and displayed.

Impact on City Operations

The proposed amendments will likely have little impact on City operations and there are no anticipated policy or process changes or amendments that will result if they are adopted at the provincial level. Impact would likely be on a project-by-project basis should the Minister deem a project taking place in Kawartha Lakes exempt from requirements or to order an archaeological assessment.

The ability of the Minister to order the deposit or seizure of artifacts may have a future impact on the City’s artifact care and management program but additional details are required from the province to fully gauge an impact. Similarly, the definitions of “archaeological collection” and “public institution” may impact the ability of the City to collect and store artifacts.

Other Alternatives Considered:

The Committee could choose not to comment on the proposed amendments.

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 5



Adobe Acrobat
Document

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