



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Manager of Heritage Planning

DATE: January 18, 2024

REPORT NO.: PD-2024-011

SUBJECT: Ontario Heritage Act – Alternate Notice Policy

RECOMMENDATION:

THAT Report No. PD-2024-011, dated January 18, 2024, regarding “Ontario Heritage Act – Alternate Notice Policy” be received;

AND FURTHER THAT Council approve the Ontario Heritage Act – Alternate Notice Policy as presented;

AND FURTHER THAT future legislated notices under the Ontario Heritage Act be subject to this Alternate Notice Policy.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The *Ontario Heritage Act* (OHA) states that notices under the OHA (including Sections 29, 30, 31, 32, 34, 39, 40, 41, 52, 54, 55, 58) must be published in a newspaper having general circulation in a municipality.
- Following the closure of local papers in the municipality, staff have limited options for print publications in which to include these notices; the newspapers advertisements are costly and the publication process is time-consuming.
- The OHA and the *Municipal Act* (MA) permit municipalities to adopt policies relating to the publicization of notices in alternative media, including on a municipal website.
- This report, similar to report PD-2024-002 dealing with public notifications that are subject to *The Planning Act* and associated Ontario Regulations,

recommends the approval of an Alternative Notice Policy for Ontario Heritage Act matters, that adheres to best practices to inform the local community.

- An Alternate Notice Policy for matters under the *Ontario Heritage Act* will provide a significant cost and time savings for the Town and will ensure Town-wide communications for any notices required under this legislation.

BACKGROUND AND DISCUSSION:

Current Requirements & Process

The *Ontario Heritage Act* (OHA) requires that public notice be given in a local newspaper for several actions in Sections 29, 30, 31, 32, 34, 39, 40, 41, 52, 54, 55, 58, including the following most relevant to the Town of Halton Hills:

- Part IV Designations, including Notices of Intention to Designate, Notices of Withdrawal, Notices of Passing of Bylaws, and Notices of related Ontario Land Tribunal hearings;
- Part IV Designation Amendments, including withdrawals and passing of by-laws;
- Repeals of designation by-laws under Part IV, including intents to repeal, withdrawals and passing of by-laws;
- Decisions on the demolition or removal of a property's heritage attributes or of a building or structure under Part IV; and
- Passing of by-laws designating a study area or area under Part V and adoption of heritage conservation district plans under Part V.

Historically, staff have published all required notices within local papers, including the *Independent & Free Press*, until Metroland declared bankruptcy in Fall 2023. Since the closure of local newspapers in print, staff have been advised by legal counsel that, in lieu of an alternate notice policy, staff are required to place notices in a newspaper that offers circulation within the municipality, such as the *Toronto Star*, the *Globe and Mail*, the *National Post*, or the *Hamilton Spectator*, to remain in accordance with the OHA.

As part of the Council-adopted Heritage Strategy in response to changes to the *Ontario Heritage Act* through Bill 23 – *More Homes Built Faster Act, 2022* these legislative changes, the number of notices required under the OHA has increased significantly. Notices are required for each Notice of Intention to Designate, as well as notices for each by-law that is passed. Staff anticipate these notices to increase in number over time.

Staff currently publish a condensed version of all notices required under the *Ontario Heritage Act* within the *Toronto Star* in order to meet legislative requirements, while also directing the public to the Town's website for an expanded notice. However, these notices are becoming increasingly expensive and time-consuming for staff.

The OHA also requires additional notification to property owners and the Ontario Heritage Trust by mail. This notification process is not impacted by the proposed policy and the Town's existing mailing notification process will remain in place.

Proposed Process

The *Ontario Heritage Act* and *Municipal Act* together provide for municipalities to establish policies relating to required notices:

Ontario Heritage Act: Sections 26 (4) and 39.1 (3)

Publication of Notice

Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act*, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (1).

Municipal Act: Section 270 (1.4)

Adoption of policies

A municipality shall adopt and maintain policies with respect to the following matters: 4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

The proposed "*Ontario Heritage Act – Alternate Notice Policy*" (Appendix A) would allow the municipality to publish notices required under the *Ontario Heritage Act* online and through its social media channels. Should Council implement the Alternate Notice Policy for actions under the *Ontario Heritage Act*, staff are proposing that rather than being required to provide notice in the local newspaper, that the notice be made available digitally by posting on the Town's website. Staff may also post on the Town's social media platforms (such as Facebook or 'X'/Twitter), through the Town's newsletter (The Current) and online via local media.

STRATEGIC PLAN ALIGNMENT:

This report identifies a safe and welcoming community as one of the Town's Strategic priorities, with the objective of enhancing outreach and engagement within our communities.

In line with values established in the Town's Strategic Plan, this policy enforces the commitment of the Town to act in the best interests of the Town, to be transparent and accessible, to be stewards of corporate assets and resources, and to stay engaged with the community.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

Should Council implement the Alternate Notice Policy for actions under the *Ontario Heritage Act*, staff are proposing that rather than being required to provide notice in the local newspaper, that the notice be made available digitally by posting on the Town's website. Staff may also post on the Town's social media platforms (such as Facebook or 'X'/Twitter), through the Town's newsletter (The Current) and online via local media.

INTERNAL CONSULTATION:

Communications staff were consulted in the preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

However, should Council implement the Alternate Notice Policy for actions under the *Ontario Heritage Act*, the municipality will save a significant amount of money and time by publishing these notices electronically on the Town's website and through its existing social media channels.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer