



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Manager of Heritage Planning

DATE: May 31, 2024

REPORT NO.: PD-2024-049

SUBJECT: Bill 200 (The Homeowner Protection Act) Proposed Legislative Changes to the Ontario Heritage Act

RECOMMENDATION:

THAT Report No. PD-2024-049 dated May 31, 2024, regarding “Bill 200 (The Homeowner Protection Act) Proposed Legislative Changes to the Ontario Heritage Act” be received;

AND FURTHER THAT Council endorse the staff comments contained within this report regarding the proposed Bill 200 and its impact on the Ontario Heritage Act;

AND FURTHER THAT the comments contained within this report be used as the basis for the finalization of the Town’s comments to the Environmental Registry posting regarding Bill 200;

AND FURTHER THAT staff provide further update reports to Council once Bill 200 receives Royal Assent, as may be appropriate.

KEY POINTS:

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

- Bill 23, the More Homes Built Faster Act, 2022 was introduced on October 25, 2022, bringing forward several legislative changes. A key impact to the Town through these legislative changes was the requirement for the removal of listed properties from the Heritage Register after a period of 2 years from their listing, or from January 1, 2023, with municipalities being prohibited from re-listing those removed properties for a period of five years.

- On March 6, 2023, Council adopted staff recommendations within Report PD-2023-010 to implement a Heritage Strategy in response to the proposed legislation, including the prioritization of the Town’s listed properties on the Heritage Register and the research and evaluation of those properties for potential designation under the *Ontario Heritage Act* (OHA). Staff have been undertaking this work since that time in anticipation of the removal of all listed properties from the Heritage Register at the end of this year.
- On May 27, 2024, the Province introduced Bill 200, the “*Homeowner Protection Act, 2024*”. A posting on the Environmental Registry of Ontario (ERO) was also released specifically seeking feedback regarding the changes proposed to the *Ontario Heritage Act* through Schedule 2 of the proposed *Homeowner Protection Act, 2024*. Comments on [ERO Posting No. 019-8738](#) are due by June 26, 2024.
- This report provides Council with the key impacts to the OHA proposed through this legislation, potential impacts to the Town, and identifies recommendations where appropriate.

BACKGROUND AND DISCUSSION

Bill 23 (More Homes Built Faster Act) – Impacts to the OHA & Town Response

On October 25, 2022, the Province introduced Bill 23 (*More Homes Built Faster Act*) bringing forward several legislative changes, including significant impacts to the *Ontario Heritage Act* (OHA). A key impact to the Town through these changes was the requirement for the removal of listed properties from the Heritage Register after a period of 2 years from their listing, or from January 1, 2023, with municipalities being prohibited from re-listing those removed properties for a period of five years.

In response to these legislative changes, Council adopted staff’s recommendations within Report PD-2023-010 on March 6, 2023 to implement a Heritage Strategy in response to the proposed legislation, including the prioritization of the Town’s listed properties on the Heritage Register and the research and evaluation of those properties for potential designation under the OHA.

Staff have been undertaking this work in anticipation of the removal of all listed properties from the Heritage Register at the end of this year. Since March 2023 and including those reports on the June 17, 2024 Council agenda, staff have brought forward 35 requests for Council to designate individual properties under the OHA, along with an additional 13 reports relating to other heritage matters. Several Research and Evaluation reports are underway and anticipated to come before Council towards the end of 2024.

Bill 200 (Homeowner Protection Act) – Impacts to the OHA

The proposed amendment to the OHA through Bill 200 would extend the review period for “legacy” listed properties on the Heritage Register (i.e., those included on their register as of December 31, 2022) by an additional two years, giving municipalities until

January 1, 2027 to either issue a Notice of Intention to Designate for these properties or to remove them from the Heritage Register. The Ministry of Citizenship and Multiculturalism (MCM) indicates that these amendments are in line with the feedback received from municipalities, community organizations, and the public and will alleviate the administrative pressures municipalities have been facing due to the direction from Bill 23. The MCM notes that regulation-making authorities will be inserted to allow for these dates to be amended in the future. Should these listed properties not be subject to a Notice of Intention to Designate by January 1, 2027, the Town would be required to remove them from the Heritage Register.

For listed properties that have been voluntarily removed following these changes coming into effect, the five-year prohibition on listing would begin on the date removed, with additional prohibitions where Notices of Intention to Designate are withdrawn or deemed to be withdrawn. However, those “legacy” listed properties that were voluntarily removed after January 1, 2023 and before this legislation comes into effect can be relisted prior to January 1, 2027. These re-listed properties would be required to be subject to a Notice of Intention to Designate by January 1, 2027, or the property would be required to be again removed and then subject to the five-year prohibition on re-listing.

Impacts to the Town’s Heritage Strategy and Work Program

Should the proposed legislation receive Royal Assent, the Town’s ongoing Heritage Strategy in response to previous amendments to the *Ontario Heritage Act* can continue. An additional two years to review the Town’s listed cultural heritage resources will allow staff, with the support of the Heritage Halton Hills Committee, to continue to work through the Heritage Register to identify properties with significant cultural heritage value that should be conserved through designation under Part IV of the *Ontario Heritage Act*. Further analysis will be undertaken to determine how many of the remaining listed properties can be reviewed within the next two years.

Staff anticipate that the deadline extension will provide an opportunity to pro-actively remove those properties which have already been reviewed and which have not been identified as candidates for designation from the Heritage Register ahead of the January 1, 2027 deadline.

The proposed extension will also allow additional time to further consider and implement the recommendations within the Town’s 2022 Cultural Heritage Strategy that support the conservation of significant cultural heritage resources, including the development of Historic Context Statements for character areas in the Town that will lay important groundwork for the ongoing designation of individual properties.

As no properties have been listed on the Town’s Heritage Register or voluntarily removed since January 1, 2023, the Town will not be impacted by the five-year prohibition on re-listing properties on the Heritage Register.

Staff are supportive of the proposed amendments to the *Ontario Heritage Act*. Should Council endorse the staff comments contained within this report regarding the proposed

Bill 200 and its impact on the *Ontario Heritage Act*, these comments will be used as the basis for the finalization of the Town's comments to the Environmental Registry posting regarding Bill 200.

STRATEGIC PLAN ALIGNMENT:

This report identifies natural areas and heritage as one of the Town's Strategic priorities.

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.

INTERNAL CONSULTATION:

Staff will review the Town's comments with Heritage Halton Hills prior to submission to the Environmental Registry of Ontario.

FINANCIAL IMPLICATIONS:

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

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer