



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Senior Heritage Planner

DATE: February 17, 2023

REPORT NO.: PD-2023-010

SUBJECT: Bill 23 – Heritage Strategy

RECOMMENDATION:

THAT Report No. PD-2023-010 dated February 17, 2023 regarding “Bill 23 – Heritage Strategy” be received;

AND FURTHER THAT Council adopt the Heritage Register Prioritization Criteria as contained within Appendix A of Report PD-2023-010;

AND FURTHER THAT Council direct staff to apply the Heritage Register Prioritization Criteria to existing listed properties on the Town’s Heritage Register and undertake research and evaluation of these properties in order of their prioritization;

AND FURTHER THAT, following the research and evaluation of those properties that meet criteria for designation under Part IV of the Ontario Heritage Act and following consultation with impacted property owners as required under legislation, staff be directed to report to Council requesting that Council designate those properties under said Act;

AND FURTHER THAT, following the research and evaluation of those properties that do not meet criteria for designation under Part IV of the Ontario Heritage Act, staff be directed to report to Council to request removal of those properties from the Heritage Register as 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, including significant changes to the *Ontario Heritage Act (OHA)*. Staff provided comments on the proposed changes to the *OHA* through the Environmental Registry of Ontario (ERO).
- A key impact to the Town through these legislative changes is 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.
- Staff have prepared a proposed strategy to prioritize the Town's listed heritage properties and to undertake research and evaluation for the purpose of seeking designation for those properties under Part IV of the *Ontario Heritage Act* where it is warranted.

BACKGROUND AND DISCUSSION:

Bill 23 – Impacts to the Ontario Heritage Act

In December 2022, Council considered staff's December 7, 2022 report entitled "Bill 23 – More Homes Built Faster Act" which outlined the sweeping amendments proposed to the *Ontario Heritage Act* and other legislation as part of Bill 23. The amendments and associated regulations for the *Ontario Heritage Act* have since come into effect as of January 1, 2023 and have significant impacts for the Town, most notably to the Town's Heritage Register.

The *Ontario Heritage Act (OHA)* states that a municipality must keep a register of properties situated in the municipality that is of cultural heritage value or interest, and this list must contain properties that have been designated under Parts IV and V of the OHA. The OHA also states that the register may include properties that have not been designated under the OHA, but that the council of the municipality believes to be of cultural heritage value or interest. These properties are referred to as being listed.

Amendments to the OHA through Bill 23 allow property owners to serve a notice of objection to a municipality for properties added to the Heritage Register at any time. Conditions have also been specified that would necessitate the removal of a listed property from the Heritage Register, including a Notice of Intention to Designate being withdrawn, or a by-law being repealed or not being passed. These removals would not require consultation with the Town's municipal heritage committee. Municipalities are now prohibited from designating a property unless it is first listed on the Heritage Register, and properties will be now required to meet two or more criteria for designation, instead of one as was previously prescribed.

Most significantly, amendments to the OHA now require properties listed on the Heritage Register to be removed after two years if they have not been designated or are

subject to a Notice of Intention to Designate, and are not eligible for relisting on the Register for five years after their removal.

Implications for the Town of Halton Hills

The Town of Halton Hills' Heritage Register was developed in four Phases between 2007 and 2018 through an extensive, multi-phase process with significant public consultation occurring throughout that process. The Heritage Register represents countless hours of staff, consultant and volunteer efforts over decades to identify and conserve the Town's cultural heritage resources.

As of the finalization of this report, the Town's Heritage Register includes 768 Listed properties, 34 properties designated under Part IV of the *Ontario Heritage Act*, and 10 properties designated under Part V of the *Ontario Heritage Act* as part of the Syndicate Housing Heritage Conservation District. Two properties are currently being researched and evaluated for designation under Part IV of the *Ontario Heritage Act*.

The amendments to the *Ontario Heritage Act* will require the Town to remove the majority of the 768 listed properties from the Heritage Register as of January 1, 2025 unless they are designated, or subject to Notices of Intent to Designate, before that time.

Bill 23 - Heritage Strategy

Staff have developed a strategy to demonstrate the continued commitment of the Town to conserving its cultural heritage resources considering the amendments to the *Ontario Heritage Act*.

The proposed two-part strategy builds on staff's existing heritage work program while introducing a pro-active approach to address the existing listed properties on the Town's Heritage Register. Considerations in preparing this strategy include alignment with the ongoing Cultural Heritage Master Plan (CHMP), feedback from the Heritage Halton Hills Committee, rooting the strategy in the Town's existing policy framework, and ensuring economic sustainability and the best use of staff resources moving forward.

1. Ongoing Conservation Initiatives

Staff are proposing to maintain and build upon ongoing conservation initiatives as part of the proposed strategy, including:

- Completion and Council-adoption of the in-progress CHMP in Fall 2023;
- Engaging a Summer Student to prepare Historic Context Statements as an evaluation tool for character areas and individual cultural heritage resources;
- Undertaking a documentation strategy from the right-of-way for the existing Heritage Register;

- Continuing internal negotiations through development review processes and partnerships with other departments;
- Re-structuring the Heritage Planning webpages to engage and inform citizens; and,
- Coordinating with Heritage Halton Hills on heritage promotional initiatives.

2. Heritage Register Prioritization

In order to address the impending removal of the majority of the Town's listed properties from the Heritage Register in January 2025, staff have developed objective, data-based prioritization criteria to be applied to the existing Heritage Register to determine in which order they should be researched and evaluated. These criteria have been developed to limit properties being prioritized solely on design or physical value. Staff propose applying this criteria to the existing Heritage Register in order to determine in which order properties should be researched and evaluated.

Importantly, staff acknowledge that the entirety of the Heritage Register cannot be evaluated internally within the next two years. However, this proposed approach will allow staff to prioritize some of these properties using the Town's existing staffing resources without additional budget impacts. Additionally, by prioritizing the existing Heritage Register, the Town will demonstrate a continued commitment to the conservation of its resources amidst provincial policy changes. Lastly, following the removal of the majority of the Town's listed properties from the Heritage Register in January 2025, the Town will retain a prioritized, unofficial Heritage Inventory that would serve the Town in the event that provincial heritage legislation changes in future.

Implementation of the Bill 23 – Heritage Strategy

Should Council adopt the recommendations within this report, staff will apply the Heritage Register Prioritization Criteria to the Town's existing listed properties. As part of this process, staff will be undertaking a workshop with Heritage Halton Hills (HHH) at the monthly committee meeting on March 15, 2023 to identify nominations from committee members. As part of this workshop, HHH members will be asked to provide rationale for the properties they have nominated and the committee will have an opportunity to review each nomination. All properties that have been nominated to the committee will receive the points for nominations as proposed within the Heritage Prioritization Criteria in Appendix A, in addition to any other points awarded as prescribed by the criteria.

Following the application of the Heritage Register Prioritization Criteria, staff will begin to undertake the research and evaluation of the listed properties on the Heritage Register in the subsequent order.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to preserve, protect and promote our distinctive historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources.

This report also identifies shaping growth 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 will be required; consultation with Communications staff to follow.

INTERNAL CONSULTATION:

Heritage Halton Hills reviewed the proposed strategy at its February 15, 2023 meeting and made the following recommendation:

THAT Heritage Halton Hills endorse the Bill 23 Heritage Strategy as presented by staff and recommend that Council adopt the strategy to be implemented by heritage staff.

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