

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications

Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications:

- a) the staff report dated November 30, 2020 entitled “Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications”, and the attached comments (Appendix “A”) on the Proposed Regulation under the *Ontario Heritage Act* (Bill 108) **BE RECEIVED** for information; it being noted that the staff report will be forwarded to the London Advisory Committee on Heritage for their information; it being further noted that the comments noted above have been submitted to the Environmental Registry of Ontario; and,
- b) the Civic Administration **BE DIRECTED** to take the necessary steps in anticipation of the proclamation of amendments to the *Ontario Heritage Act* in Bill 108, including, but not limited to, preparing terms of reference for Cultural Heritage Evaluation Reports, Heritage Impact Assessments, and complete application requirements.

Executive Summary

Amendments to the *Ontario Heritage Act* arising from Bill 108 – *More Homes, More Choices Act* – are anticipated to be proclaimed on January 1, 2021. The amendments and regulations will affect how applications and processes arising from the *Ontario Heritage Act* are implemented. Key changes include:

- Principles prescribed by the Province that Municipal Council must consider when making decisions for certain *Ontario Heritage Act* matters;
- Process changes for listing a property on the Register of Cultural Heritage Resources, pursuant to Section 27(3) of the *Ontario Heritage Act*, including notification to the property owner and objection process;
- Mandatory contents for heritage designating by-laws;
- Introduction of a 90-day time limit for Municipal Council to issue its Notice of Intent to Designate pursuant to Section 29(1.2) of the *Ontario Heritage Act*. This limits Municipal Council's ability to protect a cultural heritage resource through designation pursuant to the *Ontario Heritage Act* to within the first 90-days of a complete application for an Official Plan Amendment, Zoning By-law Amendment, or Plan of Subdivision;
- Requirements to pass a heritage designating by-law within 120-days of providing Notice of Intent to Designate, noting that amendments to the *Ontario Heritage Act* eliminate the non-binding appeal role of the Conservation Review Board and changes to the objection/appeal process;
- Minimum requirements for Heritage Alteration Permit application, prescribed by regulation for properties designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;
- Required steps following the demolition or removal of a building or structure or heritage attribute of a property designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;

- Required information for an appeal to the Local Planning Appeal Tribunal, noting that all appeals arising from the *Ontario Heritage Act* decisions will be referred to the Local Planning Appeal Tribunal for binding decisions; and,
- Housekeeping amendments and transition matters.

Information and analysis of the above noted changes to the *Ontario Heritage Act* are provided within this staff report. A staff report, providing tools necessary to implement these changes will be submitted to a future meeting of the Planning and Environment Committee for consideration.

Comments on the draft regulations were provided via the Environmental Registry of Ontario (ERO019-1348) by the deadline of November 5, 2020. The Civic Administration anticipates further engagement with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) regarding revisions to the *Ontario Heritage Toolkit*, a well-used reference guideline for interpretation and administration of the *Ontario Heritage Act* and its regulations.

Analysis

1.0 Background

Bill 108 – *More Homes, More Choices Act* – was released on May 2, 2019. It proposed amendments to thirteen provincial statutes, including the *Ontario Heritage Act*. Comments on Bill 108, including on proposed amendments to the *Ontario Heritage Act*, were included in a report to the Planning and Environment Committee on May 27, 2019. Those comments were forwarded to the Ministry of Municipal Affairs and Housing for consideration in response to the Environmental Registry of Ontario (ERO) posting.

Regulations for the *Ontario Heritage Act* were released on September 21, 2020 on the Environmental Registry. The deadline for comments is November 5, 2020. As it was not possible to review the proposed regulations and meet the Planning and Environment Committee Agenda deadline, the Civic Administration has submitted the attached (Appendix “A”) comments to the Environmental Registry of Ontario.

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) have advised that the changes to the *Ontario Heritage Act* are anticipated to be proclaimed on January 1, 2021.

2.0 Key Changes and Considerations

2.1 Principles to Guide Municipal Decision Making

Introduced by amendments in Section 26.0.1 and Section 39.1.2, *Ontario Heritage Act* and prescribed by Regulation, the Province has introduced “Principles” that Municipal Council shall consider when making decisions under the provisions of the *Ontario Heritage Act*, including designations, alterations, and demolitions. The MHSTCI has stated that the intent of these principles is to allow the Province to better guide heritage conservation.

The Principles set out in Section 1(3) of the Regulation are:

For the purposes of Section 26.0.1 and 39.1.2 of the Act, the following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):

1. *Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.*
2. *Decision affecting the cultural heritage value or interest of a property or a heritage conservation district should,*
 - i. *Minimize adverse impacts to the cultural heritage value or interest of the property or district,*

- ii. *Be based on research, appropriate studies and documentary evidence, and*
 - iii. *Demonstrate openness and transparency by considering all views of interested persons and communities.*
3. *Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.*
4. *For the purpose of this section,*
“Adaptive reuse” means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.

Following proclamation, the Municipal Council will have to demonstrate that the Principles were considered in their decision making. To achieve this, the Civic Administration propose amending the report template to include a section on the Principles for actions related to the *Ontario Heritage Act*. Adherence to the Principles is not yet clear. A Record of Decision (see Section 2.8 Required Information for Appeal to the Local Planning Appeal Tribunal) requires a statement by an employee of the municipality as to how the decision of council considered the Principles when the council exercised its decision-making authority.

The wording of Principle 1 is concerning, in its reference to “should.” The language of Policy 2.6.1 of the *Provincial Policy Statement* (2020) states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (emphasis added). The use of “shall” in place of “should” in the Principle would provide more consistency on this direction from the Province.

Further clarity on Principle 2.iii would be useful. Existing requirements of the *Ontario Heritage Act* require consultation with the London Advisory Committee on Heritage prior to Municipal Council making some decisions or taking certain actions. The meetings of the London Advisory Committee on Heritage (LACH), Planning and Environment Committee, and Municipal Council are all publically-accessible. The Council Policy Manual establishes a process soliciting public input when a demolition request is received for a heritage listed or designated property, and is directed to a public participation meeting at the Planning and Environment Committee.

2.2 Listing a Property on the Register of Cultural Heritage Resources

Section 27(1.2) of the *Ontario Heritage Act* enables Municipal Council to add properties to the Register of Cultural Heritage Resources that are not designated but that Municipal Council “believes to be of cultural heritage value or interest.” Taking the action of including a property on the Register as a non-designated property is an important step to identify, on a preliminary basis, the potential cultural heritage value or interest of resources in London.

Currently, properties are added to the Register by resolution of Municipal Council following consultation with the London Advisory Committee on Heritage. The inclusion of a property on the Register is reliant on the “belief” of Municipal Council that the property has potential cultural heritage value or interest.

Amendments to the *Ontario Heritage Act* will require this approach to change. The addition of a property to the Register is still reliant on the “belief” of Municipal Council, per Section 27(3) of the amended *Ontario Heritage Act*, but several new steps (Steps 3-4, below) are introduced:

1. Consultation with the LACH prior to the addition of a property to the Register.
2. Decision of Municipal Council to add a property to the Register.
3. Notice to property owner within 30-days of the addition of the property to the Register. The notice shall include:
 - a. A statement explaining why Municipal Council believes the property to be of cultural heritage value or interest.
 - b. A description that is sufficient to readily ascertain the property.

- c. A statement that if the owner of the property objects to the property being included on the Register, the owner may object to the property's inclusion by serving the City Clerk a notice of objection setting out the reasons for the objection and all the relevant facts.
 - d. An explanation of the restriction concerning demolition or removal, or the permitting of the demolition or removal, of a building or structure on the property.
4. If an objection is received, Municipal Council must consider the objection within 90 days and decide whether to continue to include the property on the Register or whether it should be removed.
- a. Consultation with the LACH is required, pursuant to Section 27(3), *Ontario Heritage Act*, to add or remove a property from the Register.

These amendments will require a more comprehensive evaluation of the potential cultural heritage value or interest of a property that is under consideration for inclusion on the Register. It is anticipated that a greater level of detail, research, and evaluation will be required to include a property on the Register.

No information from the MHSTCI has indicated any retroactive requirements for properties currently listed on the Register or invalidating in any way their current status pursuant to Section 27 of the *Ontario Heritage Act*.

There is no time limit introduced on the objection to the inclusion of a property on the Register; a property owner may object at any time. It is important to note that an objection to the inclusion of a property on the Register instigates a 90-day review timeline, whereas a demolition request for a heritage listed property initiates a maximum 60-day review timeline. The amendments to the *Ontario Heritage Act* are not clear on the consequences if Municipal Council does not respond to an objection to the inclusion of a property on the Register within the maximum 90-day review timeline.

2.3 Mandatory Contents for Heritage Designating By-laws

With a goal of achieving greater consistency across municipalities, regulations have prescribed the contents of a heritage designating by-law.

For the purposes of a by-law pursuant to Section 29(8) of the *Ontario Heritage Act*, the following requirements are prescribed (Section 5(1), Regulation):

1. *The by-law must identify the property by,*
 - i. *The municipal address of the property, if it exists,*
 - ii. *The legal description of the property, including the property identifier number that relates to the property, and*
 - iii. *A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection of the property.*
2. *The by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.*
3. *The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1(2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.*
4. *The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.*
5. *The by-law may list any physical features of the property that are not heritage attributes.*

These amendments demonstrate the emerging best practice on heritage designations arising from decisions and recommendations of the Conservation Review Board (CRB). Further clarity on how to explain how each heritage attribute contributes to the cultural heritage value or interest of the property, while being brief, is needed. The stated ability

to exclude physical features of a property that are not a heritage attribute is anticipated to improve clarity within heritage designating by-laws.

The inclusion of images required in heritage designating by-laws has been a previous issue at the Registry Office. However, it is hoped that its explicit inclusion within the regulations will alleviate previous issues of including images in registered documents like a heritage designating by-law.

2.4 Introduction of a 90-day Time Limit to Issue Notice of Intent to Designate

Amendments to the *Ontario Heritage Act* introduce limits to Municipal Council's ability to protect properties that are of cultural heritage value or interest. Section 29(1.2), *Ontario Heritage Act*, states,

If a prescribed event has occurred in respect of a property in a municipality, the council of the municipality may not give a notice of intent to designate the property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed. 2019, c. 9, Sched. 11, s. 7(13).

The new timelines are intended by the Province to encourage discussions about potential designations with development proponents at an early stage of a planning or development application to avoid designations being made late in the land use planning process.

Defined by regulation, the "prescribed events" (Section 2, Regulation) are:

- Notice of application for Official Plan Amendment per Section 22(6.4)(a), *Planning Act*,
- Notice of application for Zoning By-law Amendment per Section 34(10.7)(a); or,
- Notice of application for Plan of Subdivision per Section 51(19.4), *Planning Act*.

Exceptions to the timeline limitation, as defined by regulation (Section 3, Regulation – "Prescribed Exceptions"), include:

- When an emergency has been declared;
- If Municipal Council has not consulted with the LACH within the 90-days, it may, by resolution, extend the timeline by an additional 180-days within 15-days of the end of the 90-day period set out in Section 29(1.2), *Ontario Heritage Act* (if not before);
- If "new and relevant information" is received relating to the property or the event, Municipal Council may, by resolution, extend the timeline by an additional 180-days; or,
- Agreement between the property owner and Municipal Council that the limitation does not apply to the property or extending the time that the limitation applies.

The limitations of Municipal Council's ability to issue a Notice of Intent to Designate no longer applies as of the day on which the prescribed event "is finally disposed of under the *Planning Act*."

"New and relevant" information, to avail of an exemption to the time limitation, is defined by Regulation (Section 3(5)) to include,

- The information or materials affect or may affect,*
- i. The determination of the cultural heritage value or interest of the property,*
or,
 - ii. An evaluation of the potential effect of the Planning Act application giving rise to the event on any cultural heritage value or interest of the property.*

This change will require Municipal Council to make decisions regarding the conservation of cultural heritage resources in advance of making a decision on a planning or development application, due to the introduction of this timeline limitation. Specifically, planning or development applications that are predicated on the demolition or removal of a building or structure on a heritage listed property will require decisions on heritage conservation to be made first, even if no demolition request has been received by the City. There have also been circumstances where heritage listed properties were proposed for retention within a planning or development application,

and no action regarding designation of the resource pursuant to the *Ontario Heritage Act* has been pursued; the Civic Administration do not recommend this approach be continued. The conservation of significant cultural heritage resources through designation or easement agreement pursuant to the *Ontario Heritage Act* should be sought through the land use planning process. This change may necessitate a different approach from the Civic Administration in providing recommendations to Municipal Council to ensure that significant cultural heritage resources are conserved.

This limitation only applies to Notice of Intent to Designate pursuant to Part IV of the *Ontario Heritage Act* (individual properties).

Heritage Easement Agreements, pursuant to Section 37 of the *Ontario Heritage Act* are not subject to the new 90-day limitation (as it requires the agreement between the City and property owner to enter into a heritage easement agreement).

Municipal Council may wish to consider delegating its authority to determine “new and relevant information” to the Civic Administration if “new and relevant information” is received on a matter that is very time-sensitive under the *Ontario Heritage Act*.

2.5 Requirement to Pass Heritage Designating By-law within 120-days

Amendments to the *Ontario Heritage Act* require heritage designating by-laws to be passed within 120-days of providing Notice of Intent to Designate. If Municipal Council does not pass a heritage designating by-law within 120-days, the Notice of Intent to Designate is deemed withdrawn. Exceptions are provided in Section 4(1) of the Regulation (e.g. mutual agreement, declared emergency, new and relevant information; Section 4(1)).

Within 30-days of Notice of Intent to Designate being served on the property owner, Ontario Heritage Trust, and published in the newspaper, anyone may object to the designation of the property. If an objection is received, Municipal Council must, within 90-days, reconsider its Notice of Intent to Designate. Then Municipal Council may withdraw its Notice of Intent to Designate (and provide notice of such) or proceed with the passage of the heritage designating by-law. Within 30-days of the passage of a heritage designating by-law and when notice is served, any person may appeal the designation to the Local Planning Appeal Tribunal (LPAT). The LPAT would then make a binding decision to allow the designation, allow the designation in part, or repeal/order the repeal of the heritage designating by-law.

Should no appeals to the passage of a heritage designating by-law be received within 30-days, the heritage designating by-law is then registered on the title of the property pursuant to Section 29(12)(b) of the *Ontario Heritage Act*.

2.6 Minimum Requirements for Heritage Alteration Permit Applications

Amendments to the *Ontario Heritage Act* introduce a 60-day timeline for municipalities to confirm that applications for alteration pursuant to Section 33(2), *Ontario Heritage Act*, or demolition or removal pursuant to Section 34(2), *Ontario Heritage Act*, for a heritage designated property are complete. This 60-day period is in addition to the maximum 90-day review period by which Municipal Council is required to make a decision to consent, to consent with terms and conditions, or to refuse an application.

In Section 8(1) of the Regulation, the Province has defined the minimum requirements for an application pursuant to Section 33(2) and Section 34(2), *Ontario Heritage Act*, to include:

- *The name, address, telephone number and, if applicable, the email address of the applicant.*
- *The name of the municipality for which consent is being requested.*
- *A description of the property that is the subject of the application, including such information as concession and lot information, reference plan and part numbers, street names and numbers.*
- *Photographs that depict the existing buildings, structures, and heritage attributes that are affected by the application and their condition and context.*

- *A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.*
- *Drawings and written specifications for the proposed alteration, demolition or removal.*
- *The reason for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.*
- *All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.*
- *An affidavit or sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.*

When a Heritage Alteration Permit application is submitted to the City, most applications are deemed complete within a few days by the Heritage Planner. Complex applications may require further details to be submitted but are usually identified in preliminary or informal consultation with the Civic Administration. The Civic Administration do not anticipate issues with the maximum 60-day period to determine if a Heritage Alteration Permit application is complete or incomplete.

The Civic Administration will review the Heritage Alteration Permit application form to ensure that the prescribed information and materials are reflected in the application requirements. Currently, the Civic Administration issue notice of receipt of complete Heritage Alteration Permit application via email to the property owner/authorized agent.

There is a risk of unintended consequences of requirements for simple or minor Heritage Alteration Permit applications. The reference to “technical cultural heritage studies” within the prescribed information and materials will still allow the Civic Administration to appropriately tailor complete applications requirements to a certain degree (e.g. masonry testing, technical information on proposed materials, expert opinion on slate roofing, etc.) based on the scope or intensity of a proposed change or alteration to a heritage designated property.

Also by regulation, the Province has defined that applications may be served on municipalities by use of the municipality’s “electronic system.” When an application is submitted after 5pm, it is effective on the following day that is not a Saturday or holiday.

2.7 Required Steps Following the Demolition or Removal of a Building, Structure, or Heritage Attribute

Should Municipal Council consent to the demolition or removal of a building, structure, or heritage attribute on a property designated pursuant to Part IV of the *Ontario Heritage Act*, the amendments to the *Ontario Heritage Act* introduces new steps.

In consultation with the LACH, Municipal Council will be required to make the following determination, pursuant to Section 9(1) of the Regulation, following the demolition or removal of a building, structure, or heritage attribute on a heritage designated property pursuant to Section 34 of the *Ontario Heritage Act*.

- The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.*
- The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.*
- The property no longer has cultural heritage value or interest as a result of the demolition or removal.*

The decision may result in the repeal or amendment to the heritage designating by-law or no action. The Civic Administration presume that this decision may be made at the same time as the decision to consent to the demolition or removal of a building, structure, or heritage attribute however there is no established practice on the matter.

Furthermore, the demolition or removal of a heritage attribute has been asserted as a process of Section 34 of the *Ontario Heritage Act*, whereas it had been typically administered as an alteration pursuant to Section 33 of the *Ontario Heritage Act*. Further guidance and clarity on interpretation is required from the MHSTCI on the distinction between an “alteration” and a “demolition or removal.”

2.8 Required Information for Appeal to the Local Planning Appeal Tribunal

Amendments to the *Ontario Heritage Act* eliminate the CRB, which is a non-binding tribunal that made recommendations on some heritage matters. As a non-binding tribunal, final decisions regarding designation of individual properties pursuant to Section 29 of the *Ontario Heritage Act* remained with Municipal Council. The amendments to the *Ontario Heritage Act* introduce a two-step process; first, objecting to Municipal Council which requires re-consideration of its decision (e.g. reconsider its Notice of Intent to Designate), then appealing to the LPAT (e.g. following the passage of a heritage designating by-law). The LPAT would then make a final decision on the matter.

As a binding tribunal, the LPAT will only hear appeals on final matters such as heritage designating by-laws that have been passed. This enables the LPAT, regarding the designation of an individual property for example, to:

- Dismiss the appeal;
- Repeal the heritage designating by-law;
- Amend the by-law in such manner as the Tribunal may determine;
- Direct the council of the municipality to repeal the by-law; or,
- Direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order.

In addition to making decisions regarding the designation of individual properties, appeals to the terms and conditions or refusal of Heritage Alteration Permits for alterations or demolitions or removals will now be heard by the LPAT. To facilitate these appeals, a Record of Decision is defined by Regulation.

A Record of Decision is required to be provided to the LPAT within 15 days, which is shorter than required by the *Planning Act* (20 days).

2.9 Housekeeping Amendments

Within the “housekeeping amendments” in the Regulation, it clarifies that there is no 90-day restriction on issuing a Notice of Proposed Amendment to a heritage designating by-law (Section 29(1), Regulation). This provision may be useful to clarify the Statement of Cultural Heritage Value or Interest and heritage attributes of a heritage designated property with an older heritage designating by-law that is subject to a planning or development application.

2.10 Transition Provisions

Any matter or proceeding that is commenced before the amendments to the *Ontario Heritage Act* and its regulations are proclaimed shall continue and be disposed of under the *Ontario Heritage Act* as it read before its proclamation (Section 20(1), Regulation).

Transition provisions require the passage of a heritage designating by-law, should a property be subject to a Notice of Intent to Designate, within 365-days of proclamation of the amendments or it is deemed withdrawn. This 365-day period does not apply where an appeal to the CRB has been made, which is relevant for two matters currently before the CRB in London.

3.0 Conclusion

The amendments to the *Ontario Heritage Act* in Bill 108 (*More Homes, More Choices Act*) and its regulations will affect the City’s efforts to conserve cultural heritage resources for their valued contributions to our community and safeguarding these resources for future generations.

The MHSTCI has indicated that revisions will be made to the *Ontario Heritage Toolkit* to assist in the implementation of the amendments to the *Ontario Heritage Act* and its new regulations. This is anticipated to include flowcharts describing the new processes pursuant to the *Ontario Heritage Act*.

We wish to acknowledge the assistance of the City Clerk and Legal Services in the preparation of this report.

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| Prepared by: | Kyle Gonyou, CAHP Heritage Planner |
| Submitted and Recommended by: | Gregg Barrett, AICP Director, City Planning and City Planner |
| Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning and Development Services. | |

November 23, 2020
KG/

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Appendix A Staff Comments on Proposed Regulation under the *Ontario Heritage Act* (Bill 108)

Links to Previous Reports

Report to Planning and Environment Committee at its meeting on May 27, 2019. "Bill 108 – More Homes, More Choices Act, 2019." <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=62922>

Appendix A – Staff Comments on Proposed Regulations under the *Ontario Heritage Act* (Bill 108)

The below comments were submitted to the Environmental Registry of Ontario in response to the proposed regulation under the *Ontario Heritage Act* (Bill 108) in advance of the November 5, 2020 deadline.



300 Dufferin Avenue
P.O. Box 5035
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October 29, 2020

Lorraine Dooley
Ministry of Heritage, Sport, Tourism and Culture Industries – Culture Policy Unit
401 Bay Street, Suite 1800
Toronto, Ontario
M7A 0A7

Dear Ms. Dooley,

RE: ERO Number 019-1348

The City of London appreciates the opportunity to provide comment on the proposed regulations implementing the amendments to the *Ontario Heritage Act* presented in Bill 108 (*More Homes, More Choices Act*).

- In Principle 1, “property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations,” the use of the word “should” should be replaced with “shall” to be more consistent with the direction of the Province in Policy 2.6.1 of the *Provincial Policy Statement* (2020).
- Where Municipal Council’s ability to issue a Notice of Intent to Designate is limited following 90-days after notice of an application pursuant to Section 51(19.4) of the *Planning Act* is issued, could the Ministry of Heritage, Sport, Tourism and Culture Industries clarify when a plan of subdivision is “finally disposed”?
- The timeline for the submission of a Record of Decision within 15 days after notice of appeal is given to the clerk of the municipality is short. Revising this provision to be within 20 days after notice of appeal is given would be consistent with the requirements of an appeal pursuant to the *Planning Act* but still provide the information in a timely manner.
- Updated process flowcharts in revision to the *Ontario Heritage Toolkit* are a useful tool in implementing the processes affected by these amendments and regulations.
- Further guidance from the Ministry of Heritage, Sport, Tourism and Culture Industries on how to briefly explain how each heritage attribute contributes to the cultural heritage value or interest of a property would be appreciated content with revisions to the *Ontario Heritage Toolkit*.
- Interpretation and commentary from the Ministry of Heritage, Sport, Tourism and Culture Industries on the distinction between “alteration” and “demolition or removal” of a heritage attribute will be critical to implement the amendments to the *Ontario Heritage Act*.

Sincerely,

Gregg Barrett, AICP
Director, City Planning and City Planner