

## **Ontario Heritage Act Amendments and New General Regulation**

### **Questions and Answers**

#### **Q: What did the ministry do with the feedback that was received regarding the Regulation?**

A. The ministry posted a draft of the proposed regulation on the Environmental Registry and the Regulatory Registry for 45 days from September 21, 2020 to November 5, 2020. The ministry received comments from municipal, development and heritage stakeholders. Some adjustments were made to help improve implementation as well as some more significant changes to help ensure that the regulation supports the objectives of the Housing Supply Action Plan.

#### **Q. How do the changes impact proposed designations or applications for alteration or demolition that are already underway at the time of proclamation?**

A. The regulation contains transition provisions governing how municipalities and property owners will shift to the new requirements and processes under the OHA. The general rule is that those OHA processes that are initiated prior to July 1, 2021 will continue under the OHA as it read on June 30, 2021. The regulation sets out the specific triggers for determining if a process has commenced. Please see the regulation for full details.

#### **Q: Does this mean the new 90-day timeline on issuing a notice of intention to designate will only apply to prescribed *Planning Act* applications submitted on or after July 1?**

A: The changes to the OHA include a new 90-day timeline for issuing a notice of intention to designate where a property is subject to an application for an Official Plan Amendment, Zoning Bylaw Amendment or Plan of Subdivision. This timeline will apply where notices of complete application are given on or after July 1, 2021. This means that the 90-day timeline will apply to some applications that are submitted before July 1. The ministry is providing this advanced notice of proclamation to help municipalities plan accordingly.

#### **Q: How do the transition rules apply to proposed designations initiated prior to proclamation?**

A. Municipalities are required to make a final decision on any outstanding notices of intention to designate (NOID) within 365 days of proclamation, or the NOID will be considered withdrawn. Where there was an objection to the NOID and the matter was referred to the Conservation Review Board (or Ontario Land Tribunal, as the case may be), the municipality will have 365 days from the date of the tribunal's

report to pass the by-law. This 365-day timeline can only be extended through mutual agreement between the property owner and the municipality. Please see the regulation for full details.

**Q: Are there any other important changes?**

A. An amendment made to the OHA through the *Protecting What Matters Most Act, 2019* (Budget Measures) to include email as a form of delivering documents under the OHA is also being proclaimed into force on July 1, 2021. This change will help modernize services and allow for more efficient delivery.

**Q. When will the final Tool Kit be available?**

A. The final Tool Kit will be posted on the Ministry's website this autumn.