



Proposed Changes to the *Ontario Heritage Act* – Bill 23, *More Homes Built Faster Act*, 2022



Community Advisory Committee on Planning
November 9, 2022
**For Information Purposes Only

Bill 108 and Bill 109

- Changes to designation (Part IV)
 - Objection and appeal processes
 - By-law contents
 - Prescribed events
 - Required steps following demolition
- Changes to Register
 - Adding properties, notifications
 - Objections to inclusions
- Changes to CRB/OLT
- Bill 109
 - Timelines
 - Fee refunds for planning applications



Proposed Changes to the *Ontario Heritage Act* – Bill 23, *More Homes Built Faster Act*, 2022

- Bill 23, *More Homes Built Faster Act*, 2022
 - *Planning Act*
 - *Development Charges Act*
 - ***Ontario Heritage Act***
 - *Conservation Authorities Act*
 - *Natural Hazards Regulatory Changes*
 - *Inclusionary Zoning Regulatory Changes*
 - *Ontario Land Tribunal Act*
- Proposal posted - October 25, 2022
- Comment period – 30 days, expires November 24, 2022
- ERO - <https://ero.ontario.ca/notice/019-6196>



Section 25.2 – Provincial Heritage Properties

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force, and may permit the Minister to confirm or revise the determination or part of it.

~~*(7) The heritage standards and guidelines approved under this section are not regulations within the meaning of Part III (Regulations) of the Legislation Act, 2006. 2005, c. 6, s. 13; 2006, c. 21, Sched. F, s. 136 (1).*~~

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

- 1. Transit.*
- 2. Housing.*
- 3. Health and Long-Term Care.*
- 4. Other infrastructure.*
- 5. Such other priorities as may be prescribed.*

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the Legislation Act, 2006.

Section 27 – Register

~~(3) In addition to the property listed under subsection (2), the register may include property that has not been designated under this Part but that the council of a municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.~~

- *(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not be designated under this Part if,*
 - *(a) the council of a municipality believes the property to be of cultural heritage value or interest; and*
 - *(b) where criteria for determining property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the criteria.*

Section 27 – Register

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force, the council of the municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29(1) and any of the following circumstances exist:

- 1. The council of a municipality withdraws the notice of intention under subsection 29(7).*
- 2. The council of a municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29(1) within the time set out in paragraph 1 of subsection 29(8).*
- 3. The council of a municipality passes a by-law designating the property under subsection 29(1) within the time set out in paragraph 1 of subsection 29(8), but the by-law is repealed in accordance with subclause 29(15)(b)(i) or (iii).*

Section 27 – Register

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) on or before the second anniversary of the day the property was included in the register.

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force.

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16). Prohibition re including property in register, subss. (14) to (16)

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date: 1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist. 2. In the case of subsection (15), the second anniversary of the day the property was included in the register.

Section 29 - Designation

~~Limitation (1.2) 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 intention 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 (3).~~

Limitation (1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality: 1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event. 2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.



Section 41 – Designation of HCD

~~41 (1) Where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district. R.S.O. 1990, c. O.18, s. 41 (1); 2002, c. 18, Sched. F, s. 2 (23). Designation of heritage conservation district 41~~

41 (1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

- (a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and*
- b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.*

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district. Repeal of by-law

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.



Section 41.1 – HCD Plan By-laws

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed. Repeal of by-law

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

Regulations

- *(i.1) prescribing criteria for the purpose of clause 27(3)(b)*
 - Adding a property to the Register
- *(k.1) prescribing criteria for the purposes of clause 41(1)(b)*
 - Designation of a Heritage Conservation District