Comments on the Proposed Bill 66 (Built Heritage)

Thanks to a workshop hosted by Environment Hamilton at Knox Presbyterian Church in Dundas on January 15th, 2019, I am better informed about the environmentally destructive powers of the proposed Bill 66 (Restoring Ontario’s Competitiveness Act, introduced in the Legislature on December 6th 2018) and the ways in which individual citizens and environmental groups can voice their opposition. As pointed out by EH staff, Bill 66 will open up Ontario’s Greenbelt for industrial, commercial and residential development (Greenbelt Act, 2005), undermine drinking water regulations (Clean Water Act), and regulations aimed to reduce the amount of toxic chemicals that industries are allowed to release into the atmosphere (Toxic Reductions Act). My environmental concerns are expressed in three separate submissions.

As a built heritage consultant and member of the Architectural Conservancy of Ontario, I was alarmed by a recent ACO communique to members warning of the risks that the proposed Bill 66 poses for Ontario's heritage structures. In 2005, the ACO after intensive lobbying was successful in strengthening the provisions of the Ontario Heritage Act (OHA) and the 2005 Provincial Policy Statement (PPS). That work is threatened by Bill 66 (Restoring Ontario's Competitiveness Act), introduced on December 6, 2018. Schedule 10 of this bill would enable any Ontario municipality to pass an "Open-for-Business Planning By-law" that would allow development of "major employment and economic growth opportunities". Exempting land use proposals from cultural heritage policies in the PPS and Official Plans, would effectively eliminate requirements for heritage impact assessments, archaeological assessments and other measures designed to ensure that heritage assets are considered in planning decisions.

As a resident of the former Town of Dundas (now part of the amalgamated City of Hamilton), I have serious concerns about the potentially negative impact that an “Open for Business Planning By-law” would have on the low-rise, heritage character of Dundas, with a variety of green open spaces. This was threatened over 10 years ago by the proposed construction of four 9-storey condo towers on the north side of Spenser Creek to the west of Ogilvie Street. The developer was given an exemption from the 6-storey limitation imposed by the Zoning By-law in exchange for converting the parcel of land between Creekside Drive and the six-storey retirement residence known as Amica Dundas into public open space with a community centre. However, once the four towers were completed, the developer applied for a permit to build a fifth tower on the promised green space. Both the residents of Amica and the Creekside condominium owners were furious and banded together to oppose this audacious plan. In the end, the matter was resolved to everyone’s satisfaction when City Council voted to purchase the contentious parcel of land and turn it into a public park (finally completed in 2018). However, if there had been an “Open for Business” by-law in effect, this course of events could have had an entirely different outcome. What if the developer had simply been granted permission to build five 9-storey towers in the first place? This would have drastically altered the small-town, heritage character of Dundas, which is one of its greatest assets.

This is just one illustration of the many undesirable scenarios which could happen if Bill 66 is passed and Hamilton City Council votes to adopt Schedule 10. I am therefore *strongly opposed* to Bill 66 from a heritage conservation and planning perspective.