



Hamilton

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May 30, 2019

Lorraine Dooley
Ministry of Tourism, Culture and Sport
401 Bay Street
Suite 1800
Toronto, ON
M7A 0A7

Re: Bill 108 - (Schedule 11) – The Proposed More Homes, More Choice Act:
Amendments to the Ontario Heritage Act

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Ontario Heritage Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Robichaud".

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Ontario Heritage Act*

Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers. In particular, the City is not supportive of the transfer of objections on heritage matters to the Local Planning Appeal Tribunal.

The following are the City's comments and recommendations:

- Staff advises the Province to consult with municipalities on the “prescribed principles” and that the regulation should clearly describe what constitutes a “prescribed principle”.
- Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.
- Staff requests the Province to remove the requirement that the property be on the Register before the building permit application is made.
- Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate. Should the Province proceed with including this requirement, the Province should consult with municipalities on the “prescribed event” and the regulation should clearly describe what constitutes a “prescribed event” prior to proceeding with these proposed changes to the Act.
- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.
- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.
- Staff advises the Province to consult with municipalities on the “prescribed” information and that the regulation should clearly describe what constitutes “prescribed” information.
- Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.