

Introduction

The Ontario Association of Heritage Professionals (OAHP) is the Ontario chapter of the Canadian Association of Heritage Professionals (CAHP) and represents more than 500 professional members in the fields of land use planning, architecture, conservation, trades, landscape architecture, history, engineering and archaeology. Across the private, public and not-for-profit sectors, OAHP's professionals work for municipalities, provincial ministries and agencies, developers and private property owners. Many also are instructors and educators in post-secondary institutions. On a daily basis, OAHP members work on the identification and conservation of built properties and landscapes of local, provincial and national heritage value or significance.

CAHP has defined a Heritage Professional as, "a person who has specialized knowledge in the conservation and stewardship of cultural heritage and is supported by formal training and/or work experience. The Professional conforms to accepted technical and ethical standards and works in accordance with the regulations and guidelines of their specialty heritage fields and jurisdictions of practice." All members must follow a code of conduct and ethics established by the Association to safeguard the best interests of clients, public and members alike.

In 2019, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) proposed legislative changes to the Ontario Heritage Act and Toolkit with Bill 108. Members of the public and organizations like OAHP were given a month to provide feedback, prior to implementation on July 1, 2021. In order to gather input our board of directors presented a survey to our membership. Of the nearly 10% of members who responded within a one week time frame, the following statistics have been disaggregated. Some comments are also included.

Feedback

Responses from the survey indicate that the updated Ontario Heritage Toolkit is expected to affect the work of more than 87% of respondents. Membership identified the most used guides to be: Heritage Property Evaluation, Designating Heritage Properties and Heritage Conservation Districts.

More than 63% of respondents did not feel they had a chance to read and understand the changes within the one month made available by the Ontario government to provide meaningful comments.

- ***OAHP requests that the comment period for the Ontario Heritage Toolkit be extended until August 1, 2021.***

More than 72% of respondents indicated they would like more information and training from the MHSTCI. 61% of respondents indicated that this information should come in a black line version of the Toolkit, while 58% would like more virtual sessions where information is provided and 51% requested virtual sessions that were workshop style. Focus groups and advisor group of municipal planners were also mentioned.

- ***OAHP requests that MHSTCI issue a black line version of the Ontario Heritage Toolkits and that additional training be provided by MHSTCI in the form of virtual information or workshop sessions.***

More than 43% of respondents did not find the information in the updated Toolkit documents clear, and an additional 41% were unsure about the information. When asked what information required further clarity the following areas were identified:

- 71% indicated the definitions and terminology.
- 66% indicated “how to determine representative”
- 50% indicated an example of an Heritage Conservation District Statement of Significance.
- 43% wanted more information on public consultation
- 43% wanted clarity on timelines
- 37% wanted an example of a municipal heritage register listing
- 34% indicated clarity was required on designating interiors

Some of the comments provided by respondents are as follows in response to our question regarding what information required further clarity:

- Why do you need to publish the By-law in the Newspaper, after you have already published a NOID in the newspaper? This seems redundant due to the information being very similar in both. It is also very expensive to always need to publish in newspapers.
- Differences between alteration and demolition
- Guidance to develop themes, define “character” and heritage integrity, evaluate cultural heritage landscapes, Indigenous places
- More (and clearer) scenario-based examples
- Evaluation of HCDs using 9/06
- CHLs and Land-use Planning
- Guidelines for Heritage Impact Assessments, and the update of the Infosheets
- Sensitive/contentious histories, diversity
- Indigenous engagement
- Define difference between condition and integrity
- Example of a NOID

In short, OAHF recognizes that the primary objective of the Ontario Heritage Toolkit update was to integrate the changes to the *Ontario Heritage Act* and its accompanying regulations. However, the update to the Ontario Heritage Toolkit also provides an opportunity to give stronger examples and direction on issues in the heritage field that have developed since the Toolkit’s publication in 2006.

- ***OAHF requests that the Ontario Heritage Toolkit updates provide further clarity on terminology, public engagement, timelines and designating interiors as well as provide examples of municipal heritage register listings and NOIDs. Further clarity on how to determine “representative” is also requested. Information on identifying and evaluating indigenous landscapes and recognizing diverse places and histories is also warranted. Scenario based examples would be useful.***

Lists of frequently asked questions would be complementary to the OHA and helpful in contributing to a fuller understanding of the changes and assist with communicating to the public. When asked “What is the most frequent question(s) you are asked about the Ontario Heritage Act as a heritage professional?” the following responses were recorded:

- What renovations can be undertaken?
- How does designation affect my property
- Will designation reduce the value of my property?
- What does it mean for me?
- What restrictions does designation or heritage district designation place on my property?
- Rarely, work mainly Federal level
- What does this mean to me?
- Level of granularity of CDEs
- Can I demolish my building
- Evaluation under 9/06 and interpretation of the regulations
- How does a designation affect my property?
- How does designation restrict my ability to alter/improve/conservate the exterior of my building?
- How does this apply to my property/ me?
- What is the difference between a Designated and a non-Designated heritage property?
- What are all of the processes and what are the associated policies and bylaws?
- Generally, trying to clearly articulate processes.
- Does it impact on federal lands.
- Why municipalities cannot be held more accountable for not preserving or maintaining designated or identified heritage properties.
- Will designation negatively impact my property values and the ability to sell my property?
- Does the OHA trump the building code or zoning bylaws?
- Is it now harder to try use to provisions of the OHA to conserve heritage buildings?
- How does heritage designation impact my property?
- Questions surrounding the O.Reg. criteria on historical/associative value.
- Operational/practical questions about the impact of building listing and designation
- How to evaluate heritage according to reg. 9/06 and how that evaluation informs a conservation or interpretation plan (ie Heritage Impact Assessment)
- Policies related to demolition, establishing CHVI, and the difference between listed and designated properties
- What is the Owner permitted to do if renovations/maintenance is required? Do we need to source like materials and what specific building elements can I replace or need to restore?
- Questioning of the subjective nature of the values based approach to evaluation. Whose heritage are we conserving and how are we engaging diverse cultural communities to respect their heritage? How are we engaging with Indigenous communities in our work? Why can't we protect intangible heritage, and why are we only restricted to property? How do we protect heritage related to use of properties? (legacy businesses, etc).
- implications of designation and permissions / process required
- What is the implication of designation? 2. can a property be designated without the owner's approval? 3. What is the difference between an inventory and listing and/or designation on the Municipal Heritage Register?
- Demolition process, alteration process, funding options
- Determining how designation applies to a private property.
- Does the property have heritage status and can I demolish the building

- Does the Act prevent a heritage building from being demolished?
- ***OAHP requests that the Ontario Heritage Toolkit update focus on clear answers to these questions for heritage practitioners and the public.***

80% of respondents indicated they would like to see another draft of the Toolkit documents demonstrating incorporation of this feedback.

- ***OAHP request that MHSTCI take into account all the feedback received and issue another draft of the Toolkit documents for further discussion and feedback.***

41% of respondents indicated they would be willing to be an independent reader of the Toolkit and provide feedback.

- ***OAHP members are willing to provide their expertise in providing feedback on a subsequent draft of the Ontario Heritage Toolkit. OAHP requests that heritage professionals be engaged to provide feedback on subsequent drafts.***

Additional issues that were brought up in the survey include:

- In previous feedback on the changes to Proposed Regulation under the Ontario Heritage Act, OAHP suggested: 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. OAHP believes this will be critical to implement the amendments to the Ontario Heritage Act.
- HCD guide needs to be much clearer about how to handle districts that are not homogenous; needs to address directly the big issue - how to fit change around the edges of the HCD. HCDs tend to deteriorate from the edges; not the centre.
- Will there be updates to the Heritage Resources in the Land Use Planning Process? If so, what is the timeline for these revisions?
- Why has this been forced through with no input from heritage professionals? Was there independent consultation?
- The toolkit places emphasis on identification and designation of properties - but ongoing management of the Municipal Heritage Register is fundamental to ensuring conservation and appropriate decision-making (i.e. designation is not an end in itself). Perhaps the title should rather be "Designating and Managing Heritage Properties"?
- If the toolkit does not suggest/direct use of a heritage professional such as from OAHP, then this should go in. City of Ottawa requires CAHP accreditation to do cultural heritage impact statements.
- ***OAHP still believes a distinction between “alteration” and “demolition or removal” of a heritage attribute is needed and requests that this distinction be made.***
- ***OAHP request that reference to OAHP/CAHP professionals be included in the Toolkit to ensure work that requires a heritage professional aligns with the association.***

- ***OAHP request that “Heritage Resources in the Land Use Planning Process” also be updated and that OAHP members be involved in providing feedback on the update.***

Conclusion

Because the Ontario Heritage Toolkit is key to the work of a large portion its membership, OAHP respectfully requests further consultative clarity about the proposed changes. Moreover, OAHP feels it imperative the Toolkit acknowledges the Ministry's and government's commitment to supporting Indigenous heritage and social inclusivity as well as upholding its electoral mandate to public consultation.

OAHP members offer their services to provide feedback on updates and request they be involved in reviewing future drafts/updates. OAHP looks forward to working with the MHSTCI to ensure the Toolkit better addresses the needs of all Ontarians in the conservation and preservation of the province's diverse heritage resources.

Thank you,
Board of Directors
Ontario Association of Heritage Professionals
June 29, 2021