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November 24, 2022

Paula Kulpa
Heritage Branch,
Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9
Canada

RE: Bill 23 Proposed Changes – Ontario Heritage Act

Dear Ms. Kulpa,

Please find enclosed Sifton Properties Limited's (here in known as "**Sifton**") review and comment regarding proposed changes through *Bill 23, More Homes Built Faster Act*, to the Ontario Heritage Act. We are, generally, in support of the proposed changes to the Ontario Heritage Act. We have concerns regarding subsections 29 (1.2) and 41 (1) of the act. We request that the Ministry provide greater clarity as to the definition of a "prescribed event", with regards to subsection 29 (1.2), and that the Ministry consider removal of the ability for council to designate an entire municipality as a heritage conversation district, with regards to subsection 41 (1). The ability to designate an entire municipality as a heritage conservation district may impact opportunity for development or re-development, hindering the ability to meet the Province's goal of 1.5 million homes over the next ten years.

We appreciate the opportunity to comment on the proposed changes to the Ontario Heritage Act. Should you require anything further, please don't hesitate to contact our office.

Yours truly,

SIFTON PROPERTIES LIMITED

Lindsay Clark, BES
Manager – Planning & Development
Neighbourhood Developments

Cc: Phil Masschelein, Senior VP Neighbourhood Development

Bill 23

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

SCHEDULE 6

ONTARIO HERITAGE ACT

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines 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 provincial priorities, as specified.

Sifton is in support of the above proposed amendments to subsection 25.2 (3.1) and 25.2 (7) of the Ontario Heritage Act.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is

accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Sifton is in support of the above proposed amendments to the Ontario Heritage Act, in particular, the addition of a new subsection 27 (1.1), requiring that information included in the register be accessible to the public, new subsection 27 (15), and (16), specifying that properties listed on the register must be removed if a by-law is not passed designating the property prior to the second anniversary of the day the property was added, and new subsection 27 (18), preventing council of a municipality from adding the property back to the register for a period of 5 years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Sifton is unclear as to the meaning of a "prescribed event" and requests that the Ministry provide greater clarity regarding the definition of a "prescribed event", inclusive of what would qualify as an event that would permit application of this subsection of the Ontario Heritage Act.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conversation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Sifton has concerns with the ability of the council of a municipality to, by by-law, designate an entire municipality as a heritage conservation district. Heritage Conversation Districts (HCD's) often come with a set of guidelines, policies and/or regulations aimed at governing the character of the area, which typically include architecture and landscaping. Conformity to policies and/or regulations within an HCD may impact opportunity for development or re-development, and hinder the ability to meet the Province's goal of providing more housing, inclusive of alternative housing. Sifton requests that the Ministry remove language regarding the ability for a council to designate an entire municipality as an HCD.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Sifton is in support of development of regulations to govern implementation of the amendments proposed under Bill 23, More Homes Built Faster Act to the Ontario Heritage Act.