

May 16, 2025

**Electronic Submission only**

**ATTENTION:**

Heritage Policy and Programs  
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**Proposed Amendments to the Ontario Heritage Act, Schedule 7 of the Protect Ontario by Unleashing our Economy Act, 2025**

[Environmental Registry of Ontario Posting 025-0418](#)

**Introduction**

A number of recent legislative changes have impacted cultural heritage planning in Ontario including:

Provincial Planning Statement, 2024

- A flagship policy for cultural heritage in Ontario was changed from “2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*” to “4.6.1 Protected heritage property, *which may contain built heritage resources or cultural heritage landscapes, shall be conserved.*” This new wording provides a much narrower definition than the previous wording for which cultural heritage resources and/or properties shall be conserved, for example by no longer including properties listed on the Municipal Heritage Register but not yet designated.

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Bill 23: More Homes Built Faster Act, 2022

- Mandates that municipalities must issue a notice of intention to designate properties listed on the municipal heritage register prior to January 1, 2023, by January 1, 2025 (extended to January 1, 2027, through Bill 200). Properties not designated within this timeframe will be removed from the register and cannot be relisted for five years.
- Properties now need to meet two out of nine of the Ontario Regulation 9/06 criteria to be designated instead of one out of the nine criteria.
- In response to Bill 23, Heritage Staff have developed the Heritage Designation Shortlist project which consists of 27 properties that have been evaluated.

## Bill 185: Cutting Red Tape to Build More Homes Act, 2024

- A key new responsibility of the City of Burlington is that the City is now providing archaeological comments on development applications and connecting with the Ministry, which had been a role previously undertaken by the Region.

## Current Posting

On April 17, the Province released a posting relating to the “Proposed Amendments to the Ontario Heritage Act, Schedule 7 of the Protect Ontario by Unleashing our Economy Act, 2025”. The stated intent of the proposed changes is to update enforcement and compliance regarding protection of artifacts and archaeological sites, and to allow for the exemption from archaeological requirements where the exemption could potentially advance specified provincial priorities.

## Feedback

While staff are generally supportive of the balance of the proposed amendments, staff have questions about how the proposed exemptions will implement existing Provincial policy under the PPS, 2024.

The most significant challenge related to the new exemptions is that by exempting a site from archaeological requirements, including an archaeological assessment, it is not possible to determine whether a site is significant or not. That is, if properties are exempt from assessment, archaeological resources of cultural heritage value and significant sites may fail to be conserved and unknowingly destroyed.

Staff note that while archaeological assessments under the Funeral, Burial and Cremation Services Act, 2002, cannot be exempted (e.g., to ensure cemeteries are protected), the location of many Indigenous cemeteries and burial grounds may not be known. This is where archaeological assessments as part of development applications play a critical role in ensuring any Indigenous cemeteries and burial grounds are identified prior to development. Staff agree that known (likely “settler”/colonial, e.g., United Empire Loyalist) cemeteries will continue to be protected.

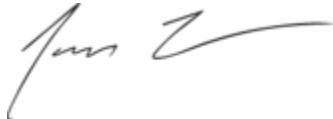
In addition to those concerns, staff suggest that information related to the following elements is required to assess the proposed exemption power:

- The United Nations Declaration on the Rights of Indigenous People, Article 11, gives Indigenous peoples a central role in the management of their archaeological heritage. How has or will feedback from Indigenous communities be considered in this approach?
- How will specified provincial priorities be established?
- How will other prescribed provincial priorities be established?
- How will regulation and associated criteria be developed? It is unclear what criteria must be met for a property to be eligible for an exemption.
- How will criteria be reviewed and how will properties qualify to be eligible for an exemption? How will municipalities implementing the PPS, 2024 be engaged in those decisions?

## Next Steps

Please accept this letter as the City of Burlington's submission on ERO posting 025-0418. Given the short period for consultation the attached comments have not been approved by City Council. This letter will be shared with the City's Committees and Council at the earliest opportunity. Should Council determine any additional comments or refinements to these comments are required the Province will be advised at the earliest opportunity.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jamie Tellier', with a stylized flourish at the end.

Jamie Tellier, MCIP, RPP  
Director of Community Planning  
Community Planning Department  
City of Burlington