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Merle MacDonald
City Clerk
City Clerk's Department
Chairman and Members
Planning and Growth Management Committee
City of Toronto
City Hall, 100 Queen Street West
10th Floor, West Tower
Toronto ON M5H 2N2

Dear Sirs/Mesdames:

Re: Planning and Growth Management Committee
Agenda Item PG18.2 – October 12, 2012
Official Plan Five Year Review: Official Plan Amendment to Adopt new Heritage and Public Realm Policies

We represent the Roman Catholic Episcopal Corporation for The Diocese of Toronto, in Canada (the "Archdiocese") in respect of approximately 123 property, parish and mission interests throughout the City of Toronto. Those interests cover 42 of the City's 44 Wards and represent approximately 600,000 parishioners.

Over the last few years an informal group of faiths, including the Roman Catholic, Anglican, United, Baptist, Presbyterian and Lutheran churches worked together with the Ministry of Culture to address Provincial policies affecting religious heritage properties. This work was finalized by the Ontario Heritage Trust in a document entitled, "*Heritage Places of Worship* - A *Guide to Conserving Heritage Places of Worship in Ontario Communities*" (the "Provincial Guideline"). It is designed to help municipal councils, municipal staff, municipal heritage committees, land use planners, heritage consultants, heritage organizations, property owners, and others understand and administer the heritage conservation process in Ontario.

The primary message that the faith groups took to the Province was that while many cultural heritage properties change or are adapted over time, places of worship are unique in that they often have evolving spiritual values in addition to cultural heritage value. Heritage places of worship may be thought of as "living cultural heritage resources" due to the ongoing need to change or adapt them to new philosophies, doctrines or practices of worship. The Provincial

Guideline suggests that these evolving religious needs should be considered when deciding the best approach to conserving a heritage place of worship. This is the simple message our client would like to have the City's Official Plan policies recognize — that religious use of a property has a unique place in our legal framework that should be reflected in the City's planning policy framework dealing with community heritage.

The proposed Official Plan policy as it is drafted would mean that any designated church could require approval of City Council to move an altar, or statue, or their pews, should these objects be considered to be an important heritage attribute. This approval would be based exclusively on whether the alteration would negatively impact the heritage values and attributes of the church. The Archdiocese believes that this policy should be supplemented for places of worship.

The proposed level of control does not reflect of the right to freedom of religion that is enshrined in the Canadian Charter of Rights and Freedoms. Municipal control of a designated place of worship, as exercised through the *Ontario Heritage Act*, must not impair the ability of a faith to worship in a manner they deem appropriate. We are respectfully asking the City to respond to the need for balance in their Official Plan policies by recognizing this context.

We therefore request on behalf of the Archdiocese that the proposed Official Plan policies be amended to include the following provisions:

1. The identification, preservation and conservation of cultural heritage resources shall be determined and undertaken in a manner that is both respectful and cognizant of any relevant cultural context and religious beliefs.

2. City decisions on applications for alteration, demolition or removal of religious properties on the Heritage Register shall recognize the unique nature and needs of these properties by balancing the goals of heritage conservation and freedom of religion. The Provincial Guideline "Heritage Places of Worship" shall be considered and applied in such applications.

3. Alterations to designated places of worship involving liturgical elements of cultural heritage significance shall be permitted if the alterations are required for liturgical purposes. Where these alterations affect an identified heritage attribute, a heritable impact assessment shall be prepared to describe the impact on the attribute(s) and mitigating strategies in keeping with Provincial Guideline, such as recording prior to alteration. For clarity, liturgical elements shall mean building elements, ornaments or decorations that are symbols or material things traditionally considered by a faith to be part of its rites of public worship.

The requested additions to the Official Plan Amendment that is before this Committee would do two basic things. First, they make reference to the Provincial Guideline in a manner that would require the Guideline to be considered in heritage decisions. We understand that City staff do not agree with some elements of the Provincial guidelines and as such we are recommending that the reference be limited to the Guideline on Places of Worship.

Second, the proposed amendments would introduce policies intended to demonstrate the City's commitment to and respect for religious diversity and freedom of religion in making

decisions on heritage properties. The policy that would recognize that it is not appropriate for City Council to regulate the use and placement of what are termed "liturgical objects", such as an altar. We believe that the alteration of the interior of a church to facilitate worship is not a matter for Council to be involved in, for the reasons stated above.

We thank the Committee for its consideration and will continue to monitor the process of this initiative. We hereby request notice of any decision that is made regarding this matter.

Yours truly,

MILLER THOMSON LLP
Per:

Steven J. O'Melia
SJO/dms

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