

Implementation of Ontario Heritage Act Amendments, as of July 1, 2021

Toronto Preservation Board
September 1, 2021



Presentation summary

1. Brief recap of Ontario Heritage Act amendments
2. Prescribed event definition and associated timelines
3. Revised Heritage Impact Assessment terms of reference and new Cultural Heritage Evaluation Report terms of reference
4. New report process and committee routes
5. Objections
6. Heritage permit applications
7. Looking ahead
8. Gratitude

Recap of OHA amendments

All appeals go to Ontario Land Tribunal

Introduction of a “prescribed event,” after which the City cannot designate a property for the duration of a planning application

New objection process for designations and listings

New application types for demolition and alteration

New permit submission and complete application requirements

Prescribed Event: What is it?

- Affects the timing of Council's ability to designate under the OHA, where a property is subject to an Official Plan Amendment, Zoning By-law Amendment or a Plan of Subdivision
- Council must state its Intention to Designate within 90 days of the Clerk giving notice that **a planning application is complete**
- If the City does not designate within this time Council loses the opportunity to do so for the duration of an application
- Council must consult with the Toronto Preservation Board, state its Intention to Designate, and serve notice of its intent all prior to the 90 day period expiring

Prescribed Event: City response

- Expanded internal communication about potential heritage properties such as nominations, identified properties in planning studies, Council requests etc.
- Implementation of the new CHER terms of reference
- Revised HIA and review for completeness
- Triage process for quick decision making
- Co-ordinated internal tracking of planning applications and deadlines
- Waivers and time extensions
- Municipal Code Amendments allow the Chief Planner to report directly to Council on urgent OHA matters

Prescribed Event: Implications

Designations will happen earlier in the planning process

“Listing” (as opposed to designation) will no longer be sufficient

Heritage value will be considered separately from development plans

Early identification of heritage properties will be key

Use of the pre-application period to discuss value within a Cultural Heritage Evaluation Report where possible

Consideration of changes to planning application by-laws

Consideration of changes to Official Plan via the Municipal Comprehensive Review currently underway

Prescribed Event: Waivers/Extensions

City and owner can mutually agree to extend prescribed timeframes.

The Chief Planner or designate has Council's delegated authority to agree to extensions

- Waiver/Extension agreement integrated into planning applications
- Stand-alone waiver can also be secured by Heritage Planning at any point during the 90 days
- An owner's agreement to extend time does not necessarily mean that designation will be delayed – considered on a case by case basis

Terms of Reference – Heritage Impact Assessment

HIA Terms of Reference has been significantly revised

Requirements are more comprehensive (for example testing and engineering reports where significant alterations are proposed)

Research (including source documentation) and evaluation must be undertaken according to set standards for easier verification

Impact on already designated properties measured against existing Council statement of significance

Critical information will be received and verified earlier

Heritage staff will be checking for required content as part of the complete application process.

Terms of Reference – Cultural Heritage Evaluation Report

Forms a discrete part of the HIA terms of reference

Also exists as a stand-alone terms of reference, although the requirement to complete one is not currently in the Official Plan – under consideration within the Municipal Comprehensive Review

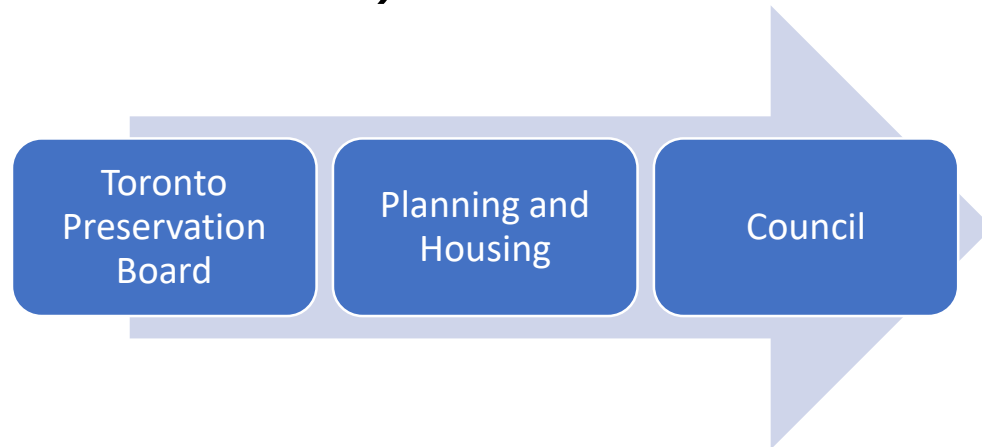
May result in a two-part process where value is first understood through the CHER, followed by designation where appropriate, with recommended conservation strategy determined through the HIA – requires implementation within a mandatory submission process

Reporting

Report Routing – Planning and Housing Committee

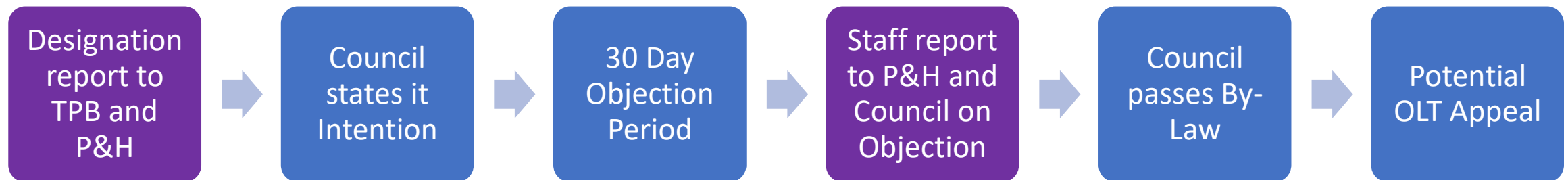
All designation reports under Section 29 of the Act (Part IV) will be routed through the Planning and Housing Committee

All other reports will maintain their existing routing (TPB, Community Council, Council)



New Objection Process under Sec.29

- Owner can now file an objection after Council states its Intention to Designate a property
- Objections are in addition to an owner's right to appeal the designation by-law to the Ontario Land Tribunal (by-law notice must be served within a set period of time)
- Council required to consider the objection and then bring forward a by-law (or not)
- Objections will result in additional HP staff reports to Committee and Council



New Objection Process - Listing

Owners can file an objection to property listing at any time after a listing takes place.

- Objections will only be considered on properties listed after July 1, 2021
- Council must consider the objection and make a second decision to list (or not)
- No required timeline and no right of appeal
- Heritage Planning will report up to two times a year with consolidated report to Council on objections received

Heritage Permits – new complete application process

Required contents of an application to alter or demolish a Part IV designated property to be facilitated by application technicians (requirements set out in the revised heritage section of the Municipal Code).

30 day timeframe to review for completeness and provide review results to an applicant.

No change to Council decision time limits.

Staff delegation for alterations that do not affect attributes remains.

Looking ahead

Continued improvements including tracking, review of planning application requirements (and process) and exploring the potential for increased automation and IT solutions

Fee review

Focus on creating a process through which early, diverse and inclusive community engagement is undertaken to determine or confirm value (HIA/CHER requirement)

Expansion of the Toronto Heritage Survey program to accelerate identification independent of growth/development

Continued emphasis on Cultural Heritage Resource Assessments (CHRA) within planning studies



Thank you to all Heritage and other Planning staff, IBMS (IT) team, Business transformation, City Clerks and City Legal who have dedicated significant time (during a pandemic) within the past 18 months to implement Bill 108

Special thanks to Paul Maka, without whom none of this could have happened.



Questions?

