



PB3.8

Bill 23 – Amendments to the Ontario Heritage Act

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Amendments to the Ontario Heritage Act

Purpose

To provide an update on the Bill 23 amendments to the Ontario Heritage Act and to share highlights of how City Planning is starting to implement them.

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Amendments to the Ontario Heritage Act

Topics:

1. Commencement Dates
2. Heritage Register Section 27
3. Designation Section 29
4. Heritage Conservation Districts Section 41
5. Other Changes
6. Next Steps

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Commencement of Amendments

- All of the amendments to the Ontario Heritage Act made through Bill 23 are **in effect** as of **January 1, 2023** with the exception of the Online Heritage Register Requirement which comes into effect on **July 1, 2023**.

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Amendments to the Ontario Heritage Act

Section 27 – Heritage Register

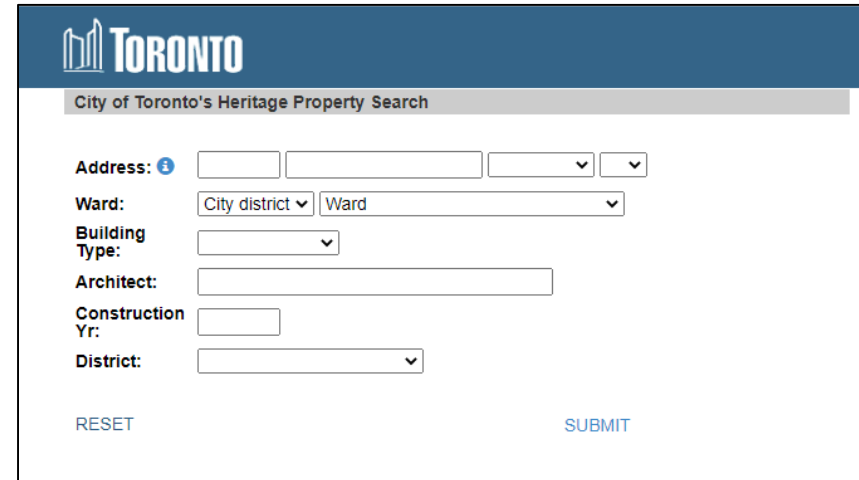
(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality's website.

Contents of register

(2) The register kept by the clerk shall list all property situated in the municipality that has been designated by the municipality or by the Minister under this Part and shall contain, with respect to each property,

- (a) a legal description of the property;
- (b) **the name and address of the owner;** and
- (c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

(3) Non-designated property



The screenshot shows the 'City of Toronto's Heritage Property Search' form. It features a dark blue header with the City of Toronto logo. Below the header, the form includes several input fields and dropdown menus: 'Address' (with a blue information icon), 'Ward' (with a dropdown menu showing 'City district' and 'Ward'), 'Building Type' (with a dropdown menu), 'Architect' (text input), 'Construction Yr' (text input), and 'District' (with a dropdown menu). At the bottom of the form, there are two buttons: 'RESET' and 'SUBMIT'.

City Staff, with City Legal, have begun review of the existing online Register for compliance with the Act and **the new content required.**

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Section 27 – Heritage Register

Non-designated property

(3b.) Where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

- Criteria may be prescribed for listing
- A property must now meet 1 of 9 criteria
- O. Reg. 9/06: CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST
- <https://www.ontario.ca/laws/regulation/060009>

- City's listing practices comply with this new requirement.

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Section 27

(7), (13) Objection

- All owners of listed properties are be able to file a notice of objection to having their property included on the City's Heritage Register

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Section 27

Section 27 (15), (16) Removal of non-designated property

- Listed properties must be removed from the Register if Council does not give a notice of intention to designate the property on or before the second anniversary of the day the property was included in the register.
- Properties included on the Register as of the day before the More Homes Built Faster Act, 2022 comes into force must be removed from the Register if Council does not give a notice of intention to designate on or before the second anniversary of the Act coming into force.

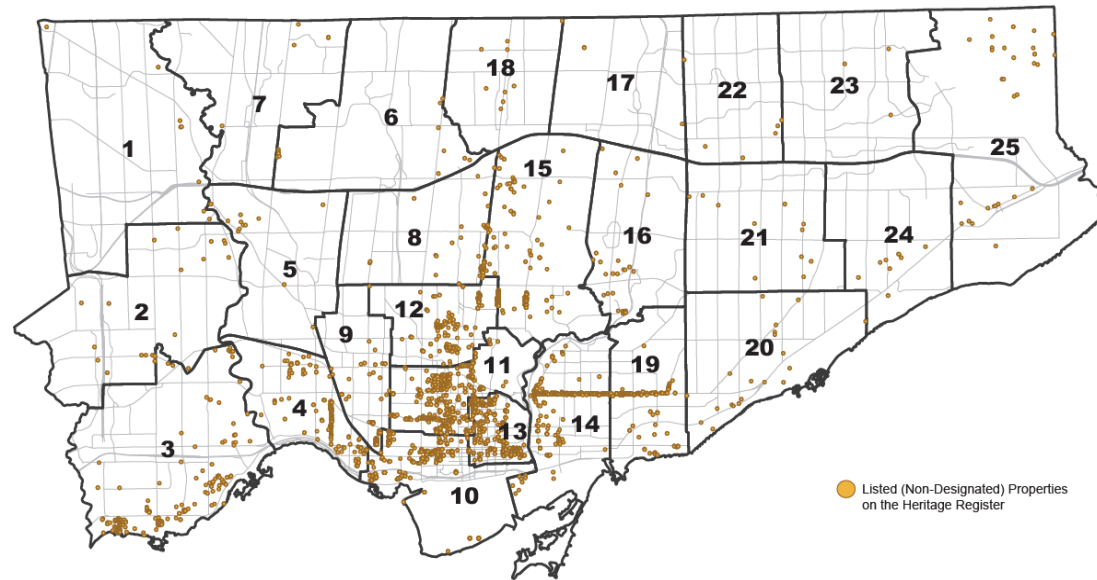
(17) Consultation not required

- Consultation with the Toronto Preservation Board is not required if a property is removed from the Register because the two year time period has elapsed.

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Map Showing Listed (Non-Designated) Properties



January 26, 2023

- The approximately 4000 properties that must be removed from the Register by December 31, 2024 unless Council has given a notice to designate them.

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Section 27

- Staff are currently undertaking analysis and background research to understand the properties that are listed, but not designated on the Heritage Register.
- Staff will be seeking partners in this work as we look to gather as much information as we can about these properties. We had an initial meeting with the chairs of the Community Preservation Panels yesterday and we hope to involve other key stakeholders as we work to develop a path forward.
- Once this work is further advanced staff will seek the advice of the Toronto Preservation Board on a proposed strategy to review the City's Heritage Register.

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Section 27

(18)Prohibition re including property in register, subss.

- Properties removed from the Register under subsections 14 – 16 may not be listed again for a period of five years.

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Section 29 – Designation

(1.2) Limitation

- If a property is subject to a prescribed event Council may not give notice of intention to designate the property if it has not already been listed.

- This new limitation applies to properties subject to new Rezoning, Plan of Sub-Divisions, and/or Official Plan Amendment applications.
- This new pre-requisite for listing has implications to current planning application review practices. Staff will update the board at a future meeting following Council's decision on a forthcoming Chief Planner's report

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Section 41 and 41.1 – Heritage Conservation District

Section 41 and 41.1 41 (1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

(b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

41.(5.1) Content of Plan

Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

- 25% of all properties within a Heritage Conservation District must meet two criteria.

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Section 41 and 41.1

Section 41 and 41.1 41(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

41(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

41.1(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

41.1 (14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

- Regulations under these Sections have yet to be prescribed

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Other Amendments – Provincial Matters

(3.1) Minister's review of determination

- *Minister can review determination of whether a property has cultural heritage value of interest for provincially owned properties or provincially occupied properties.*

(7) Exemption re compliance

The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section 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 of the following provincial priorities:

- 1. Transit.*
- 2. Housing.*
- 3. Health and Long-Term Care.*
- 4. Other infrastructure.*
- 5. Such other priorities as may be prescribed.*

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Implementation Next Steps

- A Chief Planner's report Update on Bill 23 amendments to the Ontario Heritage Act will be at the Planning Housing Committee for consideration at their February 28th Meeting. The report includes updates to the City's Municipal Code – Heritage Chapter.

Staff are continuing to:

- Initial collecting of data on the 4,000 Listed Properties and reach out to key stakeholders
- Update the City's webpages e.g. listing to reflect Bill 23 amendments to the Ontario Heritage Act
- Align the priorities of the Toronto Heritage Survey program to Bill 23, including the prioritization of the business transformation and modernization of the Heritage Register.
- Integrate heritage process e.g. listing with implementation of Bill 109 and Bill 23
- Develop a listing objection process
- Update online Heritage Register to be in compliance with the new legislation



Questions?