



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	June 20, 2019
<b>SUBJECT/REPORT NO:</b>	Bill 108 – Proposed Changes to the Ontario Heritage Act (PED19140) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Anita Fabac (905) 546-2424 Ext. 1258
<b>SUBMITTED BY:</b>	Stephen Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### EXECUTIVE SUMMARY

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature. If enacted, this Bill would make amendments to 13 different statutes. The purpose of this report is to provide information on the changes proposed to be made to the *Ontario Heritage Act*.

Changes to the *Ontario Heritage Act* include a new appeal process to the LPAT for properties recommended for the Municipal Register, a new process for requiring the owner of a property added to the Municipal Register to be notified within 30 days of the property being added to the Municipal Register and opportunities for Council to reconsider decisions when objections have been filed.

The Province has not released information on the regulations required for implementation of Bill 108 and therefore it is not possible to fully understand the implications of the changes proposed by this Bill.

The deadline for comments on Bill 108 was June 1, 2019. As such and given the timing, staff-level comments were submitted to the Province on May 30, 2019 and through a report to Planning Committee on June 4, 2019. In the comments submitted to the Province, Staff indicated they were not supportive of the proposed changes to the *Ontario Heritage Act*.

#### Commented [WU1]:

The Executive Summary will highlight key issues within the report and provide a high level overview of the subject matter. It is expected that a member of Council will be able to read this section and have a good, general understanding of the report's subject matter and the major issue(s) being presented

If you are providing **any alternatives for Committee's consideration**, note **page number where the alternatives can be found** for easy access or indicate **Not Applicable**

For example: "**Alternatives for Consideration - See Page X**" or, "**Alternatives for Consideration - Not Applicable**"

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**HISTORICAL BACKGROUND**

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. This report serves to provide information on the proposed legislative changes as they relate to Schedule 11 (changes to the *Ontario Heritage Act*).

**Commented [WU2]:**

The Historical Background Section is intended to provide the reader with the chronology of events and issues leading to the matter being presented to Committee

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

The following is a summary of the proposed changes to the *Ontario Heritage Act*:

- Establishing “prescribed events and principles” that shall be considered when making decisions.
- New timeframes and notice provisions including when a property is added to the Register. Municipalities will need to provide notice within 30 days of a property being added to the Register and property owners will be able to object to their property being included in the Register.
- With respect to Heritage Conservation Districts, Bill 108 will permit demolition or removal only if it would not affect the property’s heritage attributes as listed in the Heritage Conservation District Plan. If the heritage attributes are not specifically listed, the Act does not prohibit demolition or removal.
- Bill 108 will now require that all appeals be heard by the LPAT instead of the Conservation Review Board and has expanded the powers of the LPAT from the power the Conservation Review Board previously had. The power to make a final decision on designating a property has been removed from Council and now rests with the LPAT which will be final and binding.

**Commented [WU3]:**

In this section address evaluation of data collection, impact assessments, benchmarking including OMBI (Ontario Municipal Benchmarking Initiatives)

Include Performance Measurement/Benchmarking Data, if applicable

Appendix “A” to Report PED19140 contains the detailed analysis of the proposed changes, implications for the City of Hamilton and the staff recommendations that were forwarded to the Province. Staff are not supportive of the proposed changes as they will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes.

Bill 108 makes significant changes to the objections and appeals proceedings for heritage matters. Most of these types of matters currently proceed typically before the Conservation Review Board (“CRB”), with demolition matters proceeding to the LPAT. The CRB considers matters and reports back to municipal councils who have the power of the final decision; the CRB does not issue binding decisions on municipalities.

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The changes proposed would result in the elimination of the CRB's involvement in municipal heritage objections and appeals and instead those matters would be sent to the LPAT for final determination. The changes would introduce new appeals related to designations and alterations.

Generally speaking, the changes proposed to the *Ontario Heritage Act* collectively result in a more rigid and litigious process for heritage matters. While there are still quite a number of unknowns, what has been drafted so far in the Bill will likely result in an increase in challenges to heritage matters for the City.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Summary of Proposed Changes and Staff Recommendations

**Commented [WU4]:**

Include a listing of all appendices referenced in your report labelled as follows:

Appendix "A" to Report PED19001 -  
Location Map

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