



WELCOME TO THE CITY OF HAMILTON

HAMILTON MUNICIPAL HERITAGE COMMITTEE

June 25, 2021

PED19152(c)

Bill 108, More Homes, More Choice Act, 2019, Ontario Regulation 385/21 made under the Ontario Heritage Act and the Draft Ontario Heritage Tool Kit

Presented by: Jennifer Roth

BILL 108 BACKGROUND

May 2, 2019: Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature.

June 4, 2019: Report LS19020/PED19125 introduced the legislative changes contained in Bill 108.

June 6, 2019: Royal Assent given to Bill 108.

September 21, 2020: ERO Posting 019-1348 Proposed Regulations under the *Ontario Heritage Act* (Bill 108) released for public comment.

BILL 108 BACKGROUND

October 30 2020: PED19125b presentation to HMHC

January 1, 2021: Expected Proclamation Date, but it did not occur and no communication received.

June 1, 2021: Ministry of Heritage, Sport, Tourism and Culture Industries issued *Ontario Regulation 385/21* and released ERO Posting 019-2770 – Updates to the Ontario Heritage Tool Kit for public comment.

June 9, 2021: ERO Posting 019-1348 Decision posted explaining the changes between the Draft Regulation and *Ontario Regulation 385/21* and how the comments submitted impacted the changes. The decision is attached as Appendix “E” to Report PED19125(c).

Key Upcoming Dates

June 30, 2021: Commenting deadline for ERO Posting 019-2770 – Updates to the Ontario Heritage Tool Kit.

July 1, 2021: *Ontario Heritage Act* and *Ontario Regulation 385/21* will be Proclaimed.

OHA Sections not Proclaimed

Section 1(2) - definition of 'alter' as it relates to Sections 33 , 34.5 and 69;

Subsection 41(2.3) – Change to language related to demolition and removal as it relates to properties that are designated under both Section 29 (Individual designation) and Section 41 (Heritage Conservation District);

Section 42(1) 2. – 4., Section 42(2.1) and Section 42(4.1) – Change to language related to demolition and removal of heritage attributes for properties located within a Heritage Conservation District (HCD) which would require all attributes to be described in the HCD Plan and associated impacts on heritage permits; and,

Section 69(3) – Change to the offences and restoration costs as it relates to demolition within an HCD (not Proclaimed because changes to Section 42 are not being proclaimed).

Draft Regulation vs. *O. Reg 385/21*

- Removal of the Prescribed Principles;
- Removal of the requirement for an employee to describe how Council considered the Prescribed Principles in making its decision to designate;
- Designation By-laws will now only require the inclusion of one of the following: written description, scale drawing or site plan, instead of all three; and,
- Changes in the prescribed exceptions to the 90 day timeline established in Section 29 (1.2) of the *Ontario Heritage Act*, being:
 - the removal of the exception for new and relevant information restarting the 90 day timeline;
 - the addition of a provision that states when two or more prescribed events occur, only one 90 day timeline applies; and,
 - the addition of a provision that states that once the prescribed event is disposed of.

Amending Designation By-laws

- *O. Reg 385/21* establishes a requirement that in situations where Council agrees or is deemed to have agreed to a heritage permit for a demolition or removal of a heritage attribute, the associated designation By-law needs to be amended.
- By-laws should be amended to meet the current standards established in *Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value*.
- Staff note that there are 238 properties with Part IV designation By-laws in the City of Hamilton that came into effect prior to when *Ontario Regulation 9/06 06 – Criteria for Determining Cultural Heritage Value* came into effect in 2006.

Transitional Provisions

- The Transitional Provision states that any notices of intention to designate and applications for demolition or alteration submitted before July 1, 2021 will continue under the old *Act*.
- Any outstanding NOIDS on July 1, 2021 must be passed within 1 year, July 1, 2022, or the notice will be deemed to be withdrawn unless an extension is agreed to with the property owner.
 - Note: The NOIDs will continue under the old *OHA* and do not need to meet the new designation requirements.

Draft Ontario Heritage Tool Kit

1. **Designating Heritage Properties:** a guide for municipal designation of individual properties under the *Ontario Heritage Act*. The Guide includes flow charts that outline processes step-by-step.
2. **Heritage Property Evaluation:** a guide for listing, researching and evaluating cultural heritage property in Ontario communities.
3. **Heritage Conservation Districts:** a guide for designating districts, containing multiple properties, under the *Ontario Heritage Act* to conserve local character and heritage interest.
4. **Your Community, Your Heritage, Your Committee:** a guide for establishing and sustaining an effective Municipal Heritage Committee that provides advice to Council.
5. **Heritage Places of Worship:** a guide for keeping heritage places of worship viable in the community while conserving their cultural heritage value or interest.

Mutual Agreements

Formal Consultation

- Potential Resource for designation identified; and,
- Staff provide letter requesting that the applicant enter into a mutual agreement to remove the timeline.

OPA/ZBA/SUB

- Staff receive application and deem complete within 30 days; and,
- Notice of complete application triggers 90 days to issue a NOID. Note: Must enter into mutual agreement within 90 days or issue NOID, or have to wait until after the application is 'disposed of'.

Mutual Agreement

- Staff review with the application if the applicant has submitted a mutual agreement; and,
- Director of Planning and Chief Planner has authority to sign mutual agreement.

NEXT STEPS

- Submit Comments to ERO Posting before June 30, 2021 deadline;
- Planning Committee and Council endorsement of comments and approval of recommendations;
- Implementation of new processes:
 - Notice of (In)complete application for demolition and alteration;
 - Mutual Agreements to eliminate or extend 90 day timeline to issue a NOID after a Prescribed Event (OPA/ZBA/Subdivision); and,
 - Revised OPA/ZBA/SUB application forms.
- Final Recommendations of Process Review.
 - May include a review of resources

Questions?



Hamilton

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON MUNICIPAL HERITAGE COMMITTEE