




Hamilton

Planning and Economic
Development Department

Memorandum

To: Members of the Hamilton Municipal Heritage Committee

From: Steve Robichaud, Director of Planning and Chief Planner
Planning Division, Planning and Economic Development Department 

Date: February 24, 2022

Subject: City of Hamilton Response to the Ontario Housing Affordability Task Force Recommendations Report

In response to the Province of Ontario's Housing Affordability Task Force (HATF) Report dated February 8, 2022, The City of Hamilton of Hamilton provided staff level comments to the Deputy Minister of Municipal Affairs and Housing and a report to Planning Committee on the matter is planned for the March 22, 2022 Planning Committee meeting. This memo outlines the staff comments related to heritage for the committee's information. The HATF report can be accessed here. [Ontario Publishes Housing Affordability Task Force Report | Ontario Newsroom.](#)

General Comments Re: Heritage and Urban Design

The task force report uses the term "abuse" with regards to heritage preservation and urban design considerations. This is not consistent with the City of Hamilton's experience. The Province has already made significant changes to the Ontario Heritage Act and it is important to keep in mind the refrain that "density without design leads to disaster", which captures why good urban design and heritage conservation are important to creating a sense of place and liability. In other words, it is the City's view that heritage conservation and high-quality urban design is an important matter of public interest and is also critical to the acceptance and success of the very forms of development that the HATF Report is seeking to achieve. A province-wide approach to drastically changing tools, especially when the alleged overreach of these tools may not be happening in all jurisdictions, does not recognize that both heritage and urban design add value to the planning process and contribute to creating distinct communities and enjoyable spaces.

Ontario Housing Affordability Task Force Recommendation 16

16. Prevent abuse of the heritage preservation and designation process by:

- a) Prohibiting the use of bulk listing on municipal heritage registers; and,
- b) Prohibiting reactive heritage designations after a *Planning Act* Development Application has been filed.

City of Hamilton Comments

Bill 108 changes to the *Heritage Act* are not reflected in the HATF report. For example, 16.b) was addressed through the recommendations in the Heritage Review report. Use of the term “abuse” in this recommendation is confusing as the actions of 16a) and 16b) are both permitted and expected actions under the *Ontario Heritage Act*.

16a) is encouraged as a best practice and is highlighted in the draft Ontario Heritage Toolkit updates prepared by the provincial Ministry of Heritage, Sport, Tourism and Culture Industries. 16a) would prohibit the proactive identification and listing of heritage buildings through the City’s Built Heritage Inventory Strategy and is contrary to the intent of the Register as permitted under the Ontario Heritage Act. Listing on the Register is an administrative tool and does not prevent demolition, adaptive reuse or redevelopment of a property outright provides for certainty in the identification of heritage resources and implements the PPS policies regarding the conservation of heritage resources.

16b) is contrary to the 2021 provincial changes to the *Ontario Heritage Act* via Bill 108. The OHA now prevents a municipality from issuing a Notice of Intention to Designate (NOID) after 90-days of a “prescribed event” taking place (i.e., certain Planning Act applications being submitted). The existing “prescribed event” policies in the OHA triggers a response from municipalities to issue a NOID within 90-days of an application being received in order to protect and conserve a significant heritage property that might be under threat (which is a provincial interest in the PPS).

Ontario Housing Affordability Task Force Recommendation 17

17. Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.

City of Hamilton Comments

Not required – City staff report PED20030 (February 2020) reviewed the issue of heritage designation and property value and found no data or studies that establishes a negative correlation between heritage protection by means of including a property on the Municipal Heritage Register or through designation and a property’s resale value.

Highest and best use is not solely based on economics. Cultural heritage is a public good and the conservation of significant heritage resources is a provincial interest, required by the PPS. There are not currently any Ontario-specific studies that show that designation has a negative impact on resale value and conversations with MPAC have indicated that they do not assess property at a lower amount when it is designated. It is unclear how it would be possible to calculate “loss of property value” for compensation. Also unclear who would pay for the highest and best use exercise and how it would be conducted. Any compensation payments would become additional pressure on property taxpayers.