

# CITY OF HAMILTON NOTICE OF M O T I O N

Hamilton Municipal Heritage Committee Date: February 16, 2024

**MOVED BY .....**

**Correspondence in Support of an Extension of the Deadline in Subsection 27(16) of the *Ontario Heritage Act* with Respect to the Removal of Listed (Non-Designated) Properties from Municipal Heritage Registers**

WHEREAS, Subsection 27(16) of the *Ontario Heritage Act* stipulates that any non-designated heritage property listed on the municipal register of properties as of December 31, 2022 shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) of the *Ontario Heritage Act* on or before January 1, 2025;

WHEREAS, Since January 1, 2023, City of Hamilton staff and members of the Hamilton Municipal Heritage Committee have been diligently working to: review the municipal heritage register and the heritage value and interest of its non-designated properties; determine which properties may be candidates for individual designation under Part IV of the *Ontario Heritage Act* and should be prioritized for evaluation for designation before they are delisted; develop a strategy for reviewing the remaining listed properties of heritage interest as part of potential Heritage Conservation Districts for designation under Part V of the *Ontario Heritage Act*; and, hire and train additional staff to undertake the required steps to review the high priority properties and bring forward recommendations for designation;

WHEREAS, The above-noted work involving over 2,300 listed properties in the City of Hamilton is extremely time-consuming and cannot be completed by December 31, 2024 with the limited municipal resources available;

WHEREAS, The Hamilton Municipal Heritage Committee wishes to advise City Council of receipt of communication issued by the Architectural Conservancy of Ontario (ACO) on February 12, 2024;

WHEREAS, this communication calls local municipalities together in response to requested revisions to the *Ontario Heritage Act*, under Ontario Bill 23, *More Homes Built Faster Act*, as issued by the ACO in a letter to Premier Doug Ford, dated February 8, 2024 (as attached)

**THEREFORE BE IT RESOLVED:**

That the Mayor send a letter to Doug Ford, Premier of Ontario, and Michael Ford, Minister of Citizenship and Multiculturalism, requesting that Subsection 27(16) of the *Ontario Heritage Act* be amended by extending the deadline to five years from January 1, 2025 to January 1, 2030.

February 8, 2024



Premier Ford,

**Re: Looming expiry date for protection of heritage properties listed under the *Ontario Heritage Act***

We are writing to express our concerns with a key amendment to the *Ontario Heritage Act*, which your government passed in 2022. Under it, any heritage property listed on a municipal register as of December 31, 2022 shall be removed from the register on January 1, 2025, unless that council has given notice of its intention to designate the property under the Act. Properties that lose listing status cannot be re-listed for another five years.

This change affects some 36,000 listed heritage properties, according to the Ministry of Citizenship and Multiculturalism, in over 100 municipalities across the province. These properties have only limited, short-term (60 day) protection. As ACO warned in December 2022, forcing municipalities to designate all listed properties within two years or drop them from the register was draconian and totally unrealistic. With the expiry date now less than one year away, municipalities, large and small, are scrambling to review their registers and prioritize properties for designation or other protection. The staff/financial cost in research alone is enormous.

Automatically removing listed properties from the registry in less than eleven months will encourage demolition of existing and affordable housing alternatives at a time when we need them the most.

**ACO is asking that Subsection 27(16) of the *Ontario Heritage Act* be amended in the spring session of the Legislature, to extend the deadline in the Act for five years, from January 1, 2025 to January 1, 2030.** This early certainty of an additional five years for implementation would give municipalities the opportunity to better plan, resource and undertake this complex exercise. The 2030 timeline would help municipalities ensure that properties are not “thrown off the list” prematurely and without input from property owners.

ACO believes that property owners should not be forced to choose between designation and nothing at all to recognize the heritage significance of their property. However, this is the choice your government has forced on them. At the very least, owners and municipalities should be given more time to make this choice, and given reasonable notice of this extension.

Diane Chin  
President

401 Richmond Street West, Suite 206, Toronto, ON M5V 3A8  
T 416.367.8075 TF 1.866.221.1420 F 416.367.8630 E info@acontario.ca

[www.acontario.ca](http://www.acontario.ca)

The past. Our present. Your future.