




INFORMATION REPORT

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	June 24, 2024
SUBJECT/REPORT NO:	Update on Bill 139, Schedule 14, <i>Less Red Tape, More Common Sense Act, 2023</i> , and Amendments to the <i>Ontario Heritage Act</i> and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

INFORMATION

On October 19, 2023, the *Less Red Tape, More Common Sense Act, 2023* was introduced at the Ontario Legislature. Schedule 14 of Bill 139 proposed amendments to the *Ontario Heritage Act* and Ontario Regulation 385/21 (General). The Environmental Registry of Ontario Posting, ERO # 019-7684, for Bill 139, Schedule 14 provided the following summary of the proposal:

“A proposal to make amendments to the Ontario Heritage Act (OHA) and O.Reg. 385/21 (General) which would allow religious organizations and Indigenous communities or organizations to move forward with their proposed alterations where the requirements of the provision are met.”

Cultural Heritage Planning staff provided an overview of the draft amendments and preliminary comments to the Hamilton Municipal Heritage Committee on November 28, 2023, as part of Report PED23253 and submitted formal comment to the Ministry of Citizenship and Multiculturalism on December 1, 2023. On December 4, 2023, the *Less Red Tape, More Common Sense Act, 2023* (Bill 139), received Royal Assent and the

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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regulatory changes to Ontario Regulation 385/21 (General), required to implement the legislative changes, will come into effect on July 1, 2024.

On May 17, 2024, the Ministry of Citizenship and Multiculturalism posted a notice of decision of the Minister through the Environmental Registry of Ontario Posting, ERO #019-7684, attached as Appendix “A” to Report PED23253(a) and a revised Ontario Regulation 385/21 (General), attached as Appendix “B” to Report PED23253(a). The posting describes the amendments to the *Ontario Heritage Act* and its regulations as follows:

“Alteration Requests:

- Section 33 of the OHA, which addresses applications to alter designated properties, was amended to enable streamlining of approvals where proposed alterations to a building used primarily for religious practices involves heritage attributes connected to religious practices, where the alterations of the heritage attributes are required for religious practices and all other conditions of the provision are met.
- Changes to O. Reg. 385/21 (General) were made to require specified information and material as part of a complete application, outline additional conditions that must be met to qualify for the provision, establish timelines for determining if an application is complete and issue a notice of consent or determine that an application is incomplete and issue a notice of incomplete application, and to define terms as they relate to this streamlined process.”

The posting summarizes the comments on the amendments received by the Ministry and identifies four themes and the Ministry response to each (see Appendix “A” to Report PED23253(a) for the full summary). The key revisions to the amendments are as follows:

- **Timelines:** The Ministry extended the proposed time for reviewing and providing notice of completeness, incompleteness, or consent from 30 to 60 days.
- **Conditions:** The Ministry included an additional condition related to the required affidavit or sworn declaration to clarify that the entity represented by the affidavit or sworn declaration must always be the religious organization or Indigenous community or organization, regardless of if they are the owner or tenant.

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- **Application Requirements:** The Ministry included a requirement for additional information and material to accompany a complete application to ensure there is sufficient documentation to understand the existing condition of the building and what specific changes were being proposed.
- **Definitions:** The Ministry refined the definition of “building” as it applies to a religious organization that is not an Indigenous organization and excluded buildings where the primary function is something else non-religious, such as education or healthcare, even where a space within the building is dedicated to religious practices.

The revised amendments address the two key concerns raised in staff’s comments to the Ministry by extending the processing timeline to 60 days to be consistent with the timelines for processing other Heritage Permit applications, and clarifying the definition of building by excluding buildings where the primary function is to provide education, healthcare, long-term care, community services, social services or commercial, institutional or industrial operations, even if the building contains a space within it dedicated to religious practices.

The Heritage Permit page on the City of Hamilton website will be updated with information and instructions regarding this new process for applying for alterations of buildings used for religious purposes in advance of them coming into effect on July 1, 2024 (see www.hamilton.ca/heritagepermits).

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23253(a) – Environmental Registry of Ontario Posting Number 019-7684, Decision for Proposed Changes to the *Ontario Heritage Act* and O.Reg. 385/21 General with Respect to Certain Alteration Requests

Appendix “B” to Report PED23253(a) – Excerpts of Amendments to Ontario Regulation 385/21 for the Alteration of Buildings Used for Religious Practices

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