



Proposed Amendments to the Ontario Heritage Act, Schedule 2 of the Proposed Homeowner Protection Act, 2024

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Act	Ontario Heritage Act, R.S.O. 1990
Posted by	Ministry of Citizenship and Multiculturalism
Notice stage	Proposal
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Last updated	May 27, 2024

This consultation closes at 11:59 p.m.

on:

June 26, 2024

Proposal summary

A proposal to make legislative amendments to the Ontario Heritage Act to address matters related to non-designated or "listed" properties included on municipal registers.

Proposal details

The More Homes Built Faster Act, 2022 (Bill 23) made several changes intended to address the interaction of heritage protections and housing supply. This included new requirements for municipalities with non-designated ("listed") properties on their heritage registers, most of which came into force on January 1, 2023. Municipalities are required to review all "legacy listed properties" (i.e., those included on their register as of December 31, 2022) by January 1, 2025, to determine whether each listed property warrants designation under the Ontario Heritage Act (OHA). The OHA provides that, unless the designation process is initiated (i.e., a notice of intention to

designate is issued) for a legacy listed property by January 1, 2023, it must be removed from the register and cannot be relisted for a period of five years, starting on January 1, 2025.

The Bill 23 amendments placed similar limitations and restrictions on properties that are listed on or after January 1, 2023, permitting them to only remain on the register for two years and if no notice of intention to designate is issued during that period, they must be removed and cannot be relisted for five years. However, in the case of these properties listed after January 1, 2023, the two-year timeframe starts on the date the property is listed and the five-year prohibition against relisting starts at the end of that two-year timeframe.

The Bill 23 amendments also required that if designation is proposed for a listed property and the proposed designation ultimately does not proceed (i.e., the notice of intention to designate is withdrawn or deemed withdrawn or the Ontario Land Tribunal repeals or directs the repeal of the designation bylaw following an appeal), the property must be removed from the list, and cannot be relisted for a period of five years following this removal.

These limitations and restrictions on listing established through Bill 23 were silent on how these rules apply and interact if council were to remove a property voluntarily and prior to the OHA requiring that the listed property be removed from the register, creating potential uncertainty on how voluntary removal impacts a municipality's ability to relist a property.

The province has been actively monitoring the implementation of the Bill 23 amendments. The ministry sees an opportunity to respond to matters that have arisen since implementation, while still meeting the overall intent of recent amendments to the OHA and its regulations meant to support increasing housing supply and other key government priorities.

Extension to the timeframe for reviewing "legacy listed properties"

MCM is proposing an extension to the timeframe for reviewing legacy listed properties that, if passed, would give municipalities until January 1, 2027, to issue a notice of intention to designate before these properties must be removed from the register. The proposed amendment would also adjust the start of the five-year prohibition on relisting those properties that were removed from the register under this provision accordingly.

MCM is also proposing to insert regulation making authorities allowing for these dates to be amended in the future, prior to their expiration.

Clarifying listing rules

MCM is proposing rules that, if passed, would provide clarity on how voluntarily removing a listed property ahead of the relevant legislated timelines and removal requirements would impact the application of the listing rules, including a municipality's ability to relist the property.

For listed properties voluntarily removed after these changes would come into effect, the five-year prohibition on listing would start from the date that property is voluntarily removed from the register.

An exception would be made for legacy listed properties that had been voluntarily removed from the register on or after January 1, 2023, but prior to the new rule coming into effect. As of the date the changes would come into effect:

- All the listing rules (legislated timelines and removal requirements) would continue to apply despite the voluntary removal.
- The property could be relisted following the process set out in the OHA, so long as it is relisted prior to the application of a listing rule, including the legislated deadline of January 1, 2027. However:
 - If a notice of intention to designate were not issued by January 1, 2027, the property would need to be removed from the register again and the five-year prohibition on relisting would start as of this date.
 - If a notice of intention to designate were issued by January 1, 2027, and the notice withdrawn, deemed withdrawn or the Ontario Land Tribunal repeals or directs the repeal of the designation bylaw, the property would need to be removed from the register again as of the date of that action and the five-year prohibition on relisting would begin as of that date.
 - If the property were voluntarily removed again prior to January 1, 2027, the five-year prohibition on relisting would start as of that date.
- If the property were not relisted prior to January 1, 2027, and no notice of intention to designate were issued for the property by January 1, 2027, it could now not be relisted for a period of five-years beginning January 1, 2027.

- If the property were not relisted prior to January 1, 2027, but a notice of intention to designate the delisted property were issued by January 1, 2027, and the designation does not proceed, the property could not be relisted again for a period of five years as of the date the notice were withdrawn, deemed withdrawn or the Ontario Land Tribunal repealed or directed the repeal of the designation bylaw, as applicable.

For properties that were added to the register as a listed property on or after January 1, 2023, (i.e., "non-legacy listed properties") and were then voluntarily removed from the register before these changes came into effect, the five-year prohibition on relisting would start as of the date that they were voluntarily removed.

Proposed Implementation

If passed, all the proposed amendments to the Ontario Heritage Act would come into force upon Royal Assent.

Regulatory Impact Assessment:

If passed, the changes resulting from Schedule 2 of the Homeowner Protection Act, 2024 would impact municipalities and property owners.

Based on preliminary analysis, combined with previous regulatory impact assessment work completed to support the Bill 23 amendments, MCM does not anticipate that the proposal would result in increased administrative or other compliance costs, including upfront or ongoing operating costs. MCM anticipates that extending the timeframe for municipalities to review legacy listed properties would help alleviate current municipal resourcing pressures associated with reviewing legacy listed properties by allowing municipalities to extend the work and associated costs over a longer period of time.

Related links

[Ontario Heritage Act \(https://www.ontario.ca/laws/statute/90o18\)](https://www.ontario.ca/laws/statute/90o18)

[Bill 200, Homeowner Protection Act, 2024 \(https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-200\)](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-200)

Supporting materials

View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Heritage Branch, Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9
Canada

Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies. \(/page/commenting-privacy\)](/page/commenting-privacy)

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