

## Architectural Conservancy Ontario — Comments on Bill 66

Architectural Conservancy Ontario (ACO) welcomes the opportunity to provide comments on Bill 66, the proposed *Restoring Ontario's Competitiveness Act*.

While there are many problematic things in Bill 66, ACO is especially concerned about the impact of “Open for Business Planning By-laws”, as proposed in Schedule 10 of the bill, for Ontario’s built heritage, cultural heritage landscapes, and archaeological resources. These resources are often drivers of economic development in our communities and make them more economically resilient — they have strong links to the creative economy, attracting business, creative enterprise, cultural industries like film production, investment, and tourism.

The government’s rationale for the proposed new planning measure — the “open for business planning (OFBP) by-law” — is to expedite investment and speed up approvals. If the current land use planning process needs improvement, ACO believes the solution is **not** to provide a means to circumvent long-established and widely-accepted planning rules. These are not “planning barriers” but the essential pieces of a *policy-based planning system* that respects and safeguards a great range of societal and community benefits. To ignore them not only endangers the public interest in these resources but also opens the door to major conflict and controversy in our communities.

ACO objects to the following features of OFBP by-laws:

- they do not have to adhere to provincial policies and provincial plans
- they bypass the *Planning Act* and the Provincial Policy Statement, which includes a policy that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved."
- they do not need to follow municipal Official Plans or existing zoning
- they cannot be appealed to the Local Planning Appeals Tribunal
- they can proceed without the public being given notice of the by-law and the triggering development proposal

We believe that OFBP by-laws could pose serious risks to our heritage buildings and other cultural heritage resources. By exempting land use proposals from cultural heritage policies in the PPS, provincial plans and municipal Official Plans they would effectively eliminate requirements for heritage impact assessments, archaeological assessments and other measures designed to ensure that conservation of heritage resources is considered in planning decisions. Even protected heritage properties designated under the *Ontario Heritage Act* could be made vulnerable since a municipality that resorts to an OFBP by-law for a property may be encouraged to approve any proposed demolition.

In summary, Schedule 10 of the bill has many potential negative impacts for Ontario’s irreplaceable heritage assets. Architectural Conservancy Ontario urges the government not to enact a measure to be used to waive established planning practices and safe-

guards, one which may generate serious unforeseen conflict in our communities. The government should look at other ways to streamline and expedite planning processes through discussion and consultation with all affected interests.

#### About ACO

Architectural Conservancy Ontario is Ontario's leader in advocacy for conservation of our built environment. With 25 branches across the province, ACO has been actively involved in preserving Ontario's architectural and environmental heritage since 1933 by helping communities and owners preserve buildings, structures and places of heritage merit.

January 19, 2019

Contact: Will Coukell  
416-367-8075  
COO@arconserv.ca