

5.2-23

Appendix II - City of Brampton's Comments to Bill 108 - More Homes, More Choice Act

#	Proposed Changes	City Comments	Recommendations
7	Ontario Heritage Act		
7.1	Establishing in regulation prescribed principles that shall be considered by municipalities when making decisions under prescribed provisions of Parts IV (Conservation of Property of Cultural Heritage Value or Interest) and V (Heritage Conservation Districts) of the Act;	While Brampton is concerned about the level of uncertainty created by not knowing what these prescribed principles are and how they are to be applied, it supports the introduction of clarity respecting Provincial objectives for heritage conservation. Brampton has robust Official Plan policies regarding heritage matters, policies which will be updated as part of an Official Plan review. Municipal councils should continue to have the authority to implement heritage conservation policies to ensure that their unique cultural heritage resources are conserved in accordance with local values. What is considered a significant cultural heritage resource in one municipality may not be considered as such by another, or vice versa.	<ol style="list-style-type: none"> 1. That amendments to the Ontario Heritage Act not come into force until municipalities and other stakeholders have been meaningfully consulted regarding all related regulations, these regulations have been finalized following consultation, and the province has prepared guidance documents, including guidance documents regarding the application of the existing Regulation 9/06. 2. That municipalities retain the authority to adopt policies to conserve local cultural heritage resources, based on their cultural heritage context. 3. That municipalities be required to consider the prescribed principles when making relevant decisions, rather than be bound by them.
7.2	Creating regulatory authority to establish mandatory requirements for the content of designation by-laws; and	Introducing a regulated format for designation by-laws is supportable, as it will make the process of writing designation by-laws consistent across the province and provide clarity to property owners respecting the content of designation by-laws. However, Brampton notes that imposing onerous requirements for the content of designation by-laws could delay the designation process.	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the Province consult with municipalities and heritage professionals regarding the content of any regulations in this regard.
7.3	Improving the process for adding properties that are not yet designated (known as "listed") to the municipal heritage register, by giving notice to property owners once their property is "listed" and enabling them to object to the municipal council.	Increasing the transparency with the 'listing' process for property owners is supportable in principle. Clarity on the results of objections is needed – what happens if Council does not provide a decision within 90 days, and is their decision considered final? In addition, the proposed clause is unclear as to the timeframe during which property owners can object to the listing of a property on the Register.	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the decision of a municipality to keep a property listed on the Register be final. 2. That if the proposal to allow an objection against listing is maintained, that property owners be given 30 days to object to the listing of a property on the register following receipt of the notice proposed in 27(6).
7.4	Establishing a new 60-day timeline for notifying property owners of whether their applications for alteration and demolition are complete;	City of Brampton Heritage staff already actively work to respond to heritage permit applications in a timely manner, and correspond openly with applicants regarding whether or not their application is complete or incomplete. Establishing timelines for the issuance of a notice of complete/incomplete application is supportable from a staff standpoint.	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That Section 33 (4) provide that notice to the applicant stating whether or not the application is complete must be served within the 60-day period referenced in Section 33 (7) 2. 2. That subsection 33(5) be amended to change the headings to "Notice of Incomplete Application" and to add the words "that the application is incomplete" after the words "notify the applicant" for clarification. 3. That subsection 34(4.1) be amended to add the words "that the application is incomplete" after the words "notify the applicant" for clarification.

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7.5	Establishing a new 90-day timeline for municipalities to issue a notice of intention to designate a property as having cultural heritage value or interest, when certain events as prescribed by regulation have occurred respecting the property, subject to limited exceptions as prescribed by regulation;	The imposition of any timelines for issuing a Notice of Intention to Designate would severely limit the ability to conserve significant cultural heritage resources in Ontario. Current provincial policy supports the fact that not all significant cultural heritage resources are protected under the OHA and the identification of resources and the evaluation of their significance is ongoing. Imposing time limitations for when a Notice of Intention to Designate can be issued would provide less flexibility for property owners, developers and municipalities. Should these prescribed events be related to Planning Act applications, a new 90 timeline would require municipalities to pursue designation earlier in the development process.	Recommendation: 1. That the Province remove any time limitations on when Notices of Intention to Designate can be issued.
7.6	Establishing a 120-day timeline for passing a designation by-law after the municipality issues the notice of intention to designate, subject to limited exceptions as prescribed by regulation; and	Generally, the establishment of timelines for the designation process is supportable. However, the 120 day timeline will provide less flexibility for property owners and the municipality as it relates to the length of the designation process, and is inconsistent with other sections of the Act that provide for extension of timelines as agreed upon by the owner and council.	Recommendations: 1. That the Bill be amended to allow for the extension of time for the passing of the designation by-law beyond 120 days, as agreed upon by the owner and the council.
7.7	Clarifying the meaning and intent behind the term "demolition or removal", in circumstances where a property's heritage attributes have been identified.	The inclusion of a definition for "alter" in certain provisions and placing this in opposition to demolition/removal is supportable, as this provides clarification that demolition cannot be considered an alteration and vice versa. However, there is nothing in the definition of "alter" that indicates what distinguishes alteration from demolition, alteration from removal, or demolition from removal. The lack of clarity regarding these definitions could confuse the heritage permit application process for property owners and municipal staff, especially with the proposed added consideration of the demolition/removal of heritage attributes.	Recommendation: 1. That the Province include a definition of 'demolition' and 'removal' that clearly defines how 'demolition' and 'removal' apply to heritage attributes and to cultural heritage resources as a whole.