

#	Proposed Regulation	Ontario Heritage Act (OHA) Section	City Comments	Recommendations
1	Principles that a municipal council shall consider when making decisions under specific parts of the OHA	s. 26.0.1 (Part IV); s. 29.1.2 (Part V)	Heritage staff note that the Province has followed the recommendation identified during the initial comments on the OHA amendments and the prescribed principles are for consideration by municipal councils when making decisions on heritage matters and are not bound by them. Heritage staff welcome the move towards transparency and openness. While the principles themselves are agreeable and support the conservation of heritage resources, the differentiation between conserved and protected needs to be understood and section 2 lacks clarification on both what are considered 'appropriate studies'. In the PPS, protection is included in the definition of "conserved". Explanation of the difference between the two terms is required in order to assist Council with its consideration and understanding of the principles.	<p>1. Clarify the difference between protected and conserved for (3)</p> <p>1. by relating conservation to the actions undertaken on a property to preserve, restore, or rehabilitate a cultural heritage resource.</p> <p>2. For (3) 2. ii., the 'appropriate studies' should be revised to read 'appropriate technical cultural heritage studies' to identify that those studies deemed appropriate reflect heritage considerations. This wording aligns with the reference to technical cultural heritage studies in the heritage permit application requirements.</p> <p>3. Remove the phrase "including adaptive reuse where appropriate", as adaptive reuse, while a well-understood and frequently employed conservation method, is only one of many conservation methods.</p>
2	Mandatory content for designation by-laws	s. 29 (8) para. 2	The mandatory content for identifying a property in a designation by-law is generally supportable, with minor revisions recommended by the City of Brampton Heritage staff, and much of this content is already included in Brampton's recent designation by-laws. It is Heritage staff's understanding that while a Registered survey can be included in a designation by-law registered on title, images such as aerial photographs, scale drawings, etc cannot be included in designation by-laws registered on title. These items are typically included, instead, in the designation report for the property.	<p>1. Remove requirement 5. (1) 2. or have it read, "The by-law must contain a registered survey of the area of the property to be designated, where the designation applies to only a portion of a property."</p>
3	Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply	s. 29 (1.2)	Heritage staff maintain as previously commented that timelines should not be imposed for issuing a Notice of Intention to Designate, as the identification of resources and the evaluation of their significance is ongoing. The Proposed Regulation identifies the prescribed events as Official Plan amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. However, the initiation of the the 90 day period after the public notice ensures that the views of interested persons and communities are given adequate consideration by Council, as reflected in the proposed principles. The exceptions proposed to the 90 day timeline provide some flexibility for the municipality to work with property owners. In addition, the lifting of restrictions on when a Notice of Intention to Designate can be served following the disposition of the prescribed event under the Ontario Heritage Act ensures that heritage properties are protected against speculative development or if development fails to occur.	<p>1. Provide delegation of Council's authority for 3. (1) 1. i and ii to better facilitate agreements between property owners and staff on the applicable period of time for a Notice of Intention to Designate can be served for a specific property.</p>
4	Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.	s. 29 (8) para 1.	This regulation addressed the previous recommendation by Heritage staff previously that an extension of time to pass a designation by-law be allowed to extend beyond the 120 days if agreed upon by the owner and the municipal Council. The exceptions also provide flexibility should new information arise, which addresses the PPS and the ongoing evaluation of heritage properties, and during times when due consideration by the municipal council is not possible within the 120 day time period. Importantly, these regulations also provide transparency related to new information for the property owner as well.	<p>1. Section 4. (3) of this regulation should be made consistent with 6 (a) of Prescribed exceptions, s. 29 (1.2) of the Act.</p>
5	Minimum requirements for complete applications for alteration or demolition of heritage properties	s. 33 (2); 34 (2)	The City of Brampton already includes application requirements for heritage permits in the Heritage Permit Kit, and these requirements generally align with those set out in this regulation. Heritage staff welcome the move to consistency across municipalities, and the clarification that this will provide both property owners and staff in consideration of these applications. The regulation is also respectful of material required by municipal by-law, resolution or official plan.	<p>1. In 8. (5) Sunday should be considered the same as Saturday or a holiday in regards to timing.</p>

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6	Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute	s. 34.3	The steps prescribed for demolition/removal of a building or attribute on a designated property are generally supportable and respond to a variety of potential situations. The Proposed Regulation stipulates that if demolition/removal would result in a change to a designation by-law, the amendment of the designation by-law is to occur after the demolition/removal. This detail in the Proposed Regulation ensures that should work impacting a property's cultural heritage value not proceed, and the building/structure/attribute remain in place, the designation by-law is not amended prematurely. The regulations also provide provisions for the relocation of a building of structure, which within the regulations appears to be regarded as removal, and facilitates designation of the property which will receive the relocated building/structure.	1. As provisions are provided for the relocation of a building/structure to another property, additional consideration should be given to facilitating the amendment of the designation by-law of the property which the building/structure is being relocated to, should this property already be designated.
7	Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision	s. 29; s. 30.1; s. 31; s. 32; s. 33; s. 34.1; 40.1; s. 41; s. 41.1; s. 42	The level of administration required to ensure that the extensive relevant information is properly and efficiently prepared and collected should there be an appeal to LPAT will result in increased administrative work for municipalities.	1. New guidance documents must include a section clarifying the LPAT process as it relates to the Act and the change from CRB to LPAT. The Ontario Heritage Act changes should not be in force and effect until such time as these guidance documents are finalized. 2. The complement of LPAT include experienced professionals qualified to make judgements regarding heritage conservation, and that such professionals be assigned to hear any and all appeals regarding cultural heritage resources.
8	Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law	s. 29 6-8; s. 29; s. 30.1 (1)	The regulations clarify the time periods and situations when an owner can re-apply for the repeal of a designation by-law. The time period for all situations identified is 12 months and is consistent with the City of Brampton's previous recommendation to the Province that the 12 month period between applications to repeal a designation by-law be maintained.	1. A section needs to be added here or in the Transition section regarding when an Owner can reapply for repeal of a designation by-law following the decision of the Conservation Review Board (CRB), as some cases currently before the CRB may conclude within 2020 before these regulations come into force and effect.
9	Transition provisions	s. 29 (1.2); s. 29 (3) (b); s. 259 (5); s. 30.1; 30.1 (2); 31 (3) (b); s. 32; s. 33; s. 34; s. 34.5; s. 40.1; s. 41; s. 41.1 (2); s. 42 (2.1)	The transition provisions are agreeable in that applications which commenced prior to these amendments coming into force will continue to be processed under the Ontario Heritage Act as it ready prior to the amendments. Designation by-laws must be passed within 365 days of the amendments coming into force and effect for all properties which are in the process of designation. This timeline is agreeable in most situations, however may have implications for some properties which are at risk.	1. For 20. (4), Include flexibility for extension of the 365 days to pass a designation by-law for a property in the process of designation if agreed upon by Council and the property owner.
*	Additional Detail (1)	Additional Comments	Considerations of the Emergency Management and Civil Protection Act which are included in the amendments and regulations put forward for comment, should be applied to the entirety of the OHA, specifically to ensure that property owners can continue with important repair work during times of Emergency , as declared in the Emergency Management and Civil Protection Act. Specifically, the OHA could ensure that municipal heritage advisory committees can provide advice on applications via a different form of communication than a formal meeting, such as email or virtual voting, so that consultation with the Board can continue if formal committee meetings cannot be held.	1. Amendments are required to the delegation of authority section of the Ontario Heritage Act for heritage permit applications to clarify that emergency situations, such that, during times of emergency, as declared by the head of the municipality and/or under the Emergency Management and Civil Protection Act, staff have the ability to consult with the municipal advisory committee by means other than a formal meeting, such as email communication, so that heritage permit applications can continue to be reviewed and property owners can undertake repairs .
*	Additional Detail (2)	Additional Comments	Heritage staff remain of the opinion that the amendments to the OHA should not come into force and effect until municipalities and other stakeholders, including property owners, 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. Regulation 9/06 sets out the criteria for evaluating the cultural heritage value of a property. Better guidance is required regarding how to apply these criteria to a diverse range of cultural heritage resources.	1. The Ontario Heritage Act changes should not come into force and effect until property owners and municipalities have been meaningfully consulted on the Proposed Regulation.

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	Additional Detail (3)	Additional Comments	The release of the proposed regulations is untimely, especially as property owners and municipalities continue to cope with the impacts of the COVID-19 pandemic. The extra resources which will be necessary for many municipalities to cope with the transition to the Ontario Heritage Act amendments proposed to come into force and effect on January 1, 2021 should instead be focused on the management of and recovery from the the pandemic.	1. The Ontario Heritage Act amendments should not come into force and effect until the pandemic is concluded in order that property owners and municipalities can properly prepare for and focus their attention on the regulations and their implications.
	Additional Detail (4)	Additional Comments	The Ministry was meant to prepare Guidance Documents to assist property owners and municipalities in navigating the Ontario Heritage Act amendments. These Guidance Documents have not been released and so the ability of property owners especially to understand the Ontario Heritage Act amendments, without the assistance of plain language documents, is limited. The Proposed Regulation and the Ontario Heritage Act Amendments as a whole should not come into force and effect until such time as these Guidance Documents have been finalized and all interested persons and communities are in a position to understand the impact of the Proposed Regulation and the Ontario Heritage Act amendments as a whole.	1. The Ontario Heritage Act changes should not come into force and effect until municipalities have been consulted on the guidance documents and these guidance documents are finalized.