

**Re: Request for Consideration of Amendments to Bill 108 re:
The Ontario Heritage Act**

1. Principles that a municipal council shall consider when making decisions under specific parts of the OHA.
COMMENT: The principles appear to be reasonable and appropriate, similar to what other jurisdictions use. The Ministry's guidance on the principles – particularly advice on how Council is to consider them and how to record that consideration – is not available as we prepare comments on the regulatory proposal. Please see general comments on implementation.
 2. Mandatory content for designation by-laws.
COMMENT: None
 3. Events which would trigger the new 90-day timeframe for issuing a notice of intention to designate and exceptions to when the timeframe would apply.
COMMENT: Heritage Centre Wellington meets monthly, at best. This timeframe would only allow a maximum of two meetings before Council has to issue a notice of intention to designate. If dates do not align, there would only be one meeting. Also, Heritage Centre Wellington does not always meet during the summer. This timeframe should be increased to a minimum of four months to allow due consideration by the committee and preparation of advice to Council. The exception which allows Council to pass a resolution extending the timeframe to 180 days is useful, but it may have to be relied on often because the original timeframe of 90 days is inadequate. In other words, the exception may become the rule.
 4. Exceptions to the new 120-day timeframe to pass a designation by-law after a notice of intention to designate has been issued.
COMMENT: None
 5. Minimum requirements for complete applications for alteration or demolition of heritage properties.
COMMENT: Heritage Centre Wellington supports the prescribed information and material for the purpose of subsections 33 (2) and 34 (2) of the Act. This provincial requirement will help applicants and committee members to operate with transparency, consistency and uniformity when dealing with proposed changes to heritage properties. It is understood that Council has the power to establish additional requirements where necessary. Again, the timeframe should be increased by at least 90 days to allow the Committee adequate time to review applications, confirm their completeness, and advise Council to take appropriate action.
 6. Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.
COMMENT: None.
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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.

COMMENT: Heritage Centre Wellington is very concerned that appeals of designations and heritage property alterations will now be heard by the Local Planning Appeal Tribunal (LPAT) and not the Conservation Review Board (CRB). The CRB is highly respected because its members have knowledge and experience in reporting on appeals related to heritage properties. We strongly recommend that the Government ensure that LPAT hearings on heritage matters should include at least one adjudicator who is a qualified person. A qualified person is defined as “an individual having relevant and recent experience in the conservation of 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.

COMMENT: None.

9. Transition provisions.

COMMENT: None.

GENERAL COMMENTS

The implementation date of January 1, 2021 for the proposed changes does not give the Committee enough time to educate its members on the changes and adjust its practices to adequately put them into practice. Therefore, we recommend the implementation date be moved to July 1, 2021 to allow for the publication of guidance, training on new procedures, and education of the public.

Submitted by Phil Brown, Chair, Heritage Centre Wellington Advisory Committee, philbrown002@gmail.com