

## North York Community Preservation Panel

November 5, 2020  
Lorraine Dooley  
Culture Policy Unit  
Ministry of Heritage, Sport, Tourism and Culture Industries -  
401 Bay Street Suite 1800  
Toronto, ON M7A 0A7

**RE: Proposed Regulation under the Ontario Heritage Act (Bill 108)**

Dear Ms. Dooley,

***The North York Community Preservation Panel strongly supports the City of Toronto comments (attached) on the above noted matter.***

The North York Community Preservation Panel (the Panel) is a City of Toronto-appointed committee, one of four reporting to the Toronto Preservation Board, that recommends properties and districts in North York which should be considered for heritage protection and conservation. It also supports and encourages an understanding and appreciation of built heritage.

In June 6, 2019 the Ontario government passed third reading of amendments to the Ontario Heritage Act which enacted significant changes in the legislative framework for heritage protection and preservation in Ontario making it much more difficult for municipalities to list and designate properties. The government has now issued a draft Regulation to direct implementation of the revised Ontario Heritage Act.

An example of the changes to take effect when the Act is proclaimed, is the listing process which will be entirely different from the present process. Rather than providing "a description of the property that is sufficient to readily ascertain the property", municipalities will be obliged to give notice to the property owner, and the property owner can appeal the listing, just like the old rules for appealing a Notice of Intention to Designate. The listing notice must include, in addition to "a description of the property that is sufficient to readily ascertain the property," "a statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest." So,

we can expect that property owners, especially the well-heeled will contest this new requirement.

City Planning staff anticipate that the volume of applications that the City receives will significantly increase, while decisions will have to be made more quickly. The City is developing a new application process to ensure that it is ready to receive and process applications more efficiently. And a fee structure for applications will need to be introduced to reimburse the City for additional costs to be incurred as a result of the new processes.

In other words the changes will result in increased "red tape" for applicants and the City alike, while the impact on the public interest is highly questionable.

The Ontario government has issued a draft regulation for public comment. The materials are complex and detailed. The City of Toronto has submitted comments on the Regulation based on its detailed assessment of the legislation and its impact on City operations. We have read and considered the City's analysis and fully support the City's excellent recommendations for revised wording. We request that the Ministry give these recommendations careful consideration in the finalization of the Regulation.

Respectfully submitted,

*Geoff Kettel*

Geoff Kettel  
Past Chair

Attachment: City of Toronto Comments on Proposed Regulation (Nov. 5, 2020)

c.c. Sandra Shaul, Chair Toronto Preservation Board  
Gregg Lintern, Chief Planner and Executive Director, City Planning Division  
Mary Macdonald, Senior Manager, Heritage Planning, Urban Design  
Alex Grenzebach, Interim Chair, NYCPP