

## **Ontario Association of Heritage Professionals (OAHF) Response to Proposed Regulation under the Ontario Heritage Act (Bill 108)**

### **Introduction**

The Ontario Association of Heritage Professionals (OAHF) is the Ontario chapter of the Canadian Association of Heritage Professionals (CAHP). OAHF represents over 500 professional members in the fields of land use planning, architecture, conservation, trades, landscape architecture, history, engineering and archaeology. OAHF members work in the private, public and not-for-profit sectors. OAHF's professionals work for municipalities, provincial ministries and agencies, developers and private property owners. Many of our members also work as trainers and educators at post-secondary institutions. On a daily basis, OAHF members work on the identification and conservation of properties of local, provincial and national significance.

CAHP has defined a Heritage Professional as, "a person who has specialized knowledge in the conservation and stewardship of cultural heritage and is supported by formal training and/or work experience. The Professional conforms to accepted technical and ethical standards and works in accordance with the regulations and guidelines of their specialty heritage fields and jurisdictions of practice." CAHP members follow a code of conduct and ethics established by the Association to ensure the interests of our clients and the public are served during the course of our work.

The following comments regarding the proposed regulation are based on direct feedback from our membership.

### **Proclamation Date**

In consideration of the COVID-19 pandemic and the postponed release of the revised Ontario Heritage Tool Kit, OAHF requests that:

- the proclamation for the regulation be moved to July 1, 2021 to allow municipalities and their staff more time to prepare.

### **Affordable Housing**

OAHF encourages the redevelopment and reuse of existing underused or abandoned buildings to help meet the need for affordable housing. Working with existing buildings has been shown to be a greener, more sustainable approach over demolishing and building new. It preserves local culture and also creates more jobs. OAHF supports measures to provide municipalities the powers to enforce the need for owners to maintain existing building stock, oblige owners to keep buildings maintained and rentable and oblige owners and developers to guarantee that new developments provide affordable housing units.

Donovan Rypkema has compelling arguments about how it can be more economical to use existing buildings for affordable housing since the costs to build new are so high. Mr Rypkema's

recently presented this case at the Association for Preservation Technology-National Trust for Canada conference in October 2020. As a result:

- *OAHP recommends that the Ministry of Heritage, Sport, Tourism and Culture Industries incorporate the connection between heritage buildings and affordable housing in the revised Ontario Heritage Toolkit. Donovan Rypkema's Measuring Economics Impacts of Historic Preservation can be accessed at: <https://www.achp.gov/sites/default/files/guidance/2018-06/Economic%20Impacts%20v5-FINAL.pdf>*

**Principle 1.** "Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations."

- *OAHP requests the word "should" be replaced with "shall" to be consistent with the direction of the Province in Policy 2.6.1 of the Provincial Policy Statement (2020).*

**Principle 2.** "Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should minimize adverse impacts to the cultural heritage value or interest of the property or district", contradicts Provincial Policy Statement 2020 (PPS) 2.6.1, "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." As a result:

- *OAHP requests the wording of the proposed regulation be consistent with the language in existing legislation and that the language "Significant built heritage resources and significant cultural heritage landscapes shall be conserved" from the Provincial Policy Statement (2020) be adopted as a principle for the Ontario Heritage Act.*

**Adaptive Reuse Definition.** "Adaptive reuse' means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property".

- *OAHP requests that the definition of 'adaptive reuse' be revised to "the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the cultural heritage value or interest and the heritage attributes of the property".*

**Prescribed exceptions s. 29 (1.2) of the Act.** Amendments to the *Ontario Heritage Act* establish a new 90 day timeline for issuing a notice of intention to designate (NOID) when the property is subject to prescribed events. It also allows for exceptions to this restriction to be prescribed.

- OAHP requests that the 90 day timeline to issue a Notice of Intention to Designate be increased, or that an additional exemption be included that provides municipalities more time to address requirements for peer review.

**Designation by municipal by-law, requirements.** This section standardizes the form and content of designation by-laws. OAHP believes this will aid municipal staff in reviewing heritage alteration/demolition requests and will expedite the application review process. It should benefit both municipalities and property owners. A new requirement will be an explanation of how each heritage attribute contributes to the cultural heritage value or interest of the property. As a result:

- *OAHP requests further guidance from the Ministry of Heritage, Sport, Tourism and Culture Industries on how to briefly explain how each heritage attribute contributes to the cultural heritage value or interest of a property. OAHP suggests this could be provided in the revised Ontario Heritage Toolkit.*

**Prescribed information and material.** This section sets out the minimum requirements for subsections 33(2) and 34(2) of the Act. OAHP believes this will help clarify what is required of the applicant and will decrease the frequency of incomplete applications. OAHP believes this will benefit all parties involved in these processes. In addition:

- *OAHP requests that the requirements for complete application also be applied to properties designated under Part V of the Ontario Heritage Act.*

Subsection 8.(5) states that an application is effective “on the next day that is not a Saturday or a holiday.” Many municipal offices are closed on Sundays, as a result:

- *OAHP suggests this wording be revised to “on the next day that is not a Saturday, Sunday, or a holiday.”*

**Council consents to application under s. 34 of the Act.** This section states, “After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations..”

- *OAHP requests clarification on the wording of this section. Are non-heritage buildings/structures exempted from this provision or does the removal of any building/structure including non-heritage buildings/structures require Council approval?*

**Record of Decision.** The timeline for the submission of a Record of Decision within 15 days after notice of appeal is given to the clerk of the municipality is too short.

- *OAHP requests revising this provision to be within 20 days after notice of appeal is given. This would be consistent with the requirements of an appeal pursuant to the Planning Act but still provide the information in a timely manner.*

**Ontario Heritage Toolkit.** OAHP appreciates revisions to the Ontario Heritage Toolkit. As part of the revisions, OAHP requests:

- *Updated process flowcharts. These are useful tools in implementing the processes affected by these amendments and regulations.*
- *Interpretation and commentary from the Ministry of Heritage, Sport, Tourism and Culture Industries on the distinction between “alteration” and “demolition or removal” of a heritage attribute. OAHP believes this will be critical to implement the amendments to the Ontario Heritage Act.*

Thank you,  
Board of Directors  
Ontario Association of Heritage Professionals  
November 4, 2020