

November 24, 2022

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400 University Avenue, 5th Floor
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Canada

Re: 019-6196 Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022

Dear Madam,

Thank you for the opportunity to share my views on the above-noted Environmental Registry of Ontario (ERO) posting prepared by the Ministry of Citizenship and Multiculturalism.

The government's stated goal *"to renew and update heritage policies, some of which haven't been reviewed in over a decade, to reduce red tape and remove barriers that are slowing down housing construction and other priority projects while continuing to conserve and commemorate key heritage properties that matter most to local communities"*¹ is commendable until you delve deeper into the details.

A high-level view of the proposed heritage changes suggests an intent to set up communities to fail in their efforts to protect heritage resources in the name of expediency, which this government has not effectively proven necessary.

The heightened urgency to implement these changes is troubling because the primary impediment to building new homes is an insufficiently sized construction workforce, not the perceived heritage barriers. If municipalities have difficulty finding companies to undertake infrastructure renewal projects, what makes this government believe it can achieve a monopoly on construction firms? Recent events indicate otherwise.

The proposed requirement to either designate or remove any heritage resource on a municipal heritage registry within two years and not re-instate it for at least five years ignores local heritage values, decades of volunteer work identifying and honouring historical and cultural properties, and the labour and cost implications for a small community. Designation entails consulting with numerous entities and conducting research. Based on a 60-day turnaround schedule for a building², the number of resources registered, and municipal staff size, two years may not be sufficient to complete the task.

Increasing the criteria for heritage designation of individual structures and heritage districts compounds the labour and cost burden on communities, likely encouraging the abandonment of many listings. Adding to this struggle is the loss of income associated with Bill 23's proposed changes to development charges and other growth-related fees that could assist with reviewing costs or hiring temporary staff.

¹ Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022.

² Time required when considering a demolition request for a building listed on a municipal register.

Equally challenging is the expectation that only a listed heritage resource can be designated when it is part of a development proposal. Furthermore, only within 90 days of receiving a complete application for an Official Plan Amendment, zoning by-law amendment, or draft plan of subdivision approval. A small municipality's planning department will likely be understaffed and struggling to meet other aspects of the application by the expected deadlines, given new legislation that fines municipalities for their delays.³ This increased pressure will likely threaten possible designation if municipalities have to prioritize their response.

What if the heritage resource is not on the municipal registry, for example, waiting five years to be re-added? Does this mean the resource cannot be considered for designation, hastening its destruction?

The Minister of Citizenship and Multiculturalism's proposed override of a local municipal council's determination of heritage value or interest disregards the local context or point of view. Unexpected consequences will result from this strategy.

Without knowing the identities of "certain public bodies" and "other priorities," assigning additional powers to the Lieutenant Governor-in-Council to exempt the province and certain public bodies from strict compliance with heritage requirements is concerning.

Similarly, how can one agree to support the creation of a regulatory authority to prescribe processes for municipalities to amend or repeal existing Heritage Conservation District (HCD) designation and HCD plan by-laws without knowing the specifics of the authority and processes?

We can all agree that additional housing is required, but the manner used by Bill 23 is controversial, unlikely to achieve its stated objectives, and likely to have unexpected consequences. We want this Bill to achieve its stated goals, but only if there is additional time to collect opinions from all impacted municipalities, organizations, and the public.

The best decisions are made when diverse perspectives and areas of expertise work together to solve a problem. Instead, the Bill's strategic timing to coincide with the transition between old and new councils silences the voices of reason and jeopardizes our ability to find a better solution to our housing crisis.

Thank you for considering my opinions. I ask you to postpone your proposed changes to allow more time to explore and develop more reasonable solutions to our shared housing difficulties and heritage interests.

Yours truly,

³ More Homes for Everyone Act, April 14, 2022 <https://www.ontario.ca/page/more-homes-everyone>