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London
CANADA

December 1, 2023

Heritage Branch, Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, Ontario M7A 2R9

RE: Proposed changes to the *Ontario Heritage Act* and O. Reg. 385/21 with respect to certain alteration requests (ERO 019-7684)

To whom it may concern:

Sacred places, including places of worship, hold significance to the community which values those resources, as well as the broader community. Recognizing those values, designation pursuant to the *Ontario Heritage Act* can serve to protect and to conserve those values and the heritage attributes which make those places significant.

On behalf of City of London Planning & Development Division, I would like to thank you for the opportunity to comment on the proposed amendments to the *Ontario Heritage Act* and O. Reg. 385/21. We have concerns about the proposed amendments and have the following comments and recommendations that we ask you to consider before the regulation is finalized.

There are 341 individually designated properties, pursuant to Section 29, *Ontario Heritage Act*, in the City of London. Of these, there are 10 places of worship located on individually designated heritage properties that are owned by religious organizations. Since 2015, there have been six Heritage Alteration Permit applications pursuant to Section 33, *Ontario Heritage Act*, seeking consent for alterations affecting the heritage attributes of those properties. None of those Heritage Alteration Permit applications have been understood to relate to accommodating changing “religious practices.”

I would like to provide the following comments, questions, and recommendations regarding the implementation of the proposed changes to the *Ontario Heritage Act* and O. Reg. 385/21:

- While “building” is defined within the proposed amendments, the concept of “religious practices” has not been defined in the legislation or regulation.
 - **Recommendation:** define the term “religious practices” to ensure that, if proclaimed, the outcome of the changes to the *Ontario Heritage Act* and O. Reg. 385/21 remain limited to the

accommodating evolving religious practices, and not ancillary use or uses.

- The premise of the proposed amendments appears to be based on the presumption of evolving religious practices for purpose-built places of worship. However, the inverse may become problematic where a religious organization purchases or acquires a heritage designated resource that becomes used for “religious practices”? This further emphasizes the importance of including a definition for “religious practices”.
- The proposed 30-day timeline to compel a municipality to consent, without terms and conditions, to a proposed alteration is too short. It would not be possible to review an application, prepare a report, and schedule consultation with a municipal heritage committee, a standing committee, and obtain a decision by a municipal council within 30-days.
 - **Recommendation:** retain the existing 90-day timeline for all applications pursuant to Section 33(1), *Ontario Heritage Act*.
- Compelling a municipality to consent to an alteration eliminates the important role in adjudicating alterations to ensure that significant built heritage resources are conserved. Removing the ability to refuse an application or approve an application with terms and conditions undermines the authority of a municipality in its administration of the *Ontario Heritage Act*. Should a property owner disagree with a decision to refuse an application, or the terms and conditions imposed on the approval of an application, that property owner may avail of the appeal mechanisms in Section 33(9), *Ontario Heritage Act*, to the Ontario Land Tribunal.
 - **Recommendation:** retain the existing decision-making model, including the ability of a property owner to appeal the refusal or terms and conditions on the consent of an application to the Ontario Land Tribunal.
- Prohibiting the ability to impose terms and conditions on the approval of an application pursuant to Section 33(1), *Ontario Heritage Act*, could result in the loss (read: destruction) of heritage attributes. If an application were submitted for the removal of stained-glass windows depicting religious imagery, the terms and conditions could require those windows to be carefully stored, for example.
 - **Recommendation:** retain the ability of a municipality to consent, to consent to with terms and conditions, or refuse an application for any property pursuant to Section 33(1), *Ontario Heritage Act*.

In response to the questions directed to municipalities:

1. **Question:** Is 30 days a sufficient time for municipalities to process applications and determine if they are complete?

Reply: While 30 days is generally sufficient to determine the completeness of an application pursuant to Section 33(1), *Ontario Heritage Act*, the existing mandated time to determine completeness of 60 days, as prescribed in Section 33(7)(2), *Ontario Heritage Act*, would better maintain consistency for all applications.

City staff work to meet the mandated timelines of the *Ontario Heritage Act*, and its regulations, and provide reliable customer service. Introducing different timelines runs the risk of confusing or frustrating applicants who may not be experienced in *Ontario Heritage Act* matters.

2. **Question:** Are there any further conditions that should be applied to these types of applications?

Reply: Yes, the existing ability to approve an application pursuant to Section 33(1), *Ontario Heritage Act*, for a place of worship with terms and conditions, or to refuse an application, should be maintained.

3. **Question:** Is the list of information and materials required as part of complete application sufficient? Are there any materials or information that is missing or should be removed?

Reply: It is unclear why the complete application requirements for a place of worship should be different than any individually designated property, whose complete application requirements are prescribed by Section 6(1), O. Reg. 385/21. The prescribed information and materials of Section 6(1), O. Reg. 385/21, should be maintained as minimum requirements, as well as the additional special requirements necessary to facilitate responsible decision making pursuant to the intent of this legislative and regulatory change.

4. **Question:** How many applications do you receive each year from municipally designated heritage properties that are primarily used for religious practices or Indigenous spiritual or religious practices requesting an alteration to identified heritage attributes connected to those practices?

Reply: There are 341 individually designated properties, pursuant to Section 29, *Ontario Heritage Act*, in the City of London. Of these, there are 10 places of worship located on individually designated heritage properties that are owned by religious organizations.

Since 2015, there have been six Heritage Alteration Permit applications pursuant to Section 33, *Ontario Heritage Act*, seeking consent for

alterations affecting the heritage attributes of those properties. None of those Heritage Alteration Permit applications have been understood to relate to accommodating changing “religious practices.”


5. **Question:** How long does it typically take to review such an application (in hours)? How long do you believe it would take under the revised process and requirements?

Reply: The review time for an application pursuant to Section 33(1), *Ontario Heritage Act*, directly correlates to the significance of the heritage attribute and the complexity of the proposed alteration(s). In most cases, it takes nearly 90-days to facilitate a decision from Municipal Council to consent, to consent to with terms and conditions, or to refuse a Heritage Alteration Permit, including consultation with the Community Advisory Committee on Planning (municipal heritage committee).

6. **Question:** What level of employee in your organization typically undertakes this work (e.g. administrative staff, management)?

Reply: Processing an application pursuant to the *Ontario Heritage Act* touches nearly all areas of the municipality: customer service staff, administrative staff, Heritage Planners, management, building staff, clerk’s staff, legal staff, volunteer members of the municipal heritage committee, and municipal councillors.

Sincerely,

A handwritten signature in black ink that reads "Heather McNeely". The signature is written in a cursive, flowing style.

Heather McNeely, RPP, MCIP
Director, Planning and Development
Planning and Economic Development

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