

May 10, 2024

The Ontario Association of Heritage Professionals (OAHP) in partnership with its parent organization, the Canadian Association of Heritage Professionals (CAHP), respectfully submits the following comments related to the [proposed changes to the *Provincial Policy Statement \(PPS\)*](#) dated April 10, 2024.

Our organization represents more than 400 heritage professionals living and working in the province of Ontario, the majority of whom are actively involved in countless development and revitalization projects in both the public and private sectors.

OAHP provided comments and suggestions to the 2023 version of the [PPS](#) and it is unfortunate that our concerns were not addressed.

OAHP recognizes the steps the Province has taken to streamline and remove unnecessary bureaucracy to provide more affordable housing, but we urge the Province to ensure that the path forward to addressing the housing crisis is not at the expense of built heritage resources, cultural heritage landscapes, and archaeological resources.

While cultural heritage is often positioned as being a barrier to development, the reality is that an effective and efficient heritage program can assist with the management of change. We recognize that heritage must have a function or role in the life of the community to be effective, and there are creative and innovative solutions that can address both heritage and other provincial interests.

The proposed [PPS](#) will significantly impact the work of heritage professionals across Ontario, both in the public and private sector, as municipalities, property owners and developers work to understand the implications of these changes and how they will be implemented province wide. OAHP continues to strongly request that the Ministry of Municipal Affairs and Housing (MMAH) and

the Ministry of Citizenship and Multiculturalism (MCM) update the Ontario Heritage Toolkit to reflect the recent changes to the *Ontario Heritage Act* as well as these proposed changes.

OAHP was glad to be invited to the Cultural Heritage Roundtable Meeting with MMAH in 2023 but are disappointed that no action has been taken by the Province to incorporate any feedback from this meeting or subsequent submission from heritage organizations that were present at this meeting.

We would also reiterate that OAHP members are willing to provide their expertise and further insight by participating in stakeholder consultation, working groups or advisory bodies. We also would be pleased to assist with identifying potential barriers and issues with proposed legislation and regulations from a practical, solutions-based approach.

OAHP has reviewed the proposed changes to the Cultural Heritage and Archaeology section and the relevant definitions and provided comments and suggestions below.

Policies	
Policy	Comments
4.6.1 Protected heritage property, which may contain built heritage resources or cultural heritage landscapes shall be conserved.	<p>This policy means that properties that are already protected are the only ones that should be conserved. This is a very narrow view of the cultural heritage resources that should be conserved and does not recognize the many significant cultural heritage resources in Ontario that are not yet protected.</p> <p>OAHP has comments on the definition of “protected heritage property” as noted below.</p> <p>Suggested amendment:</p> <p>OAHP suggests that this policy be reconsidered to conserve a wider range of cultural heritage resources.</p>
4.6.2: Planning authorities shall not permit development and site alteration on lands containing	<p>OAHP would like to echo comments made by our colleagues at the Ontario Archaeological Society at the Cultural Heritage Roundtable Meeting with MMHA that greater consultation with</p>

<p>archaeological resources or areas of archaeological potential unless the archaeological resources have been conserved.</p>	<p>descendant communities across Ontario in the proposed amendments is required on any and all policies related to archaeological potential and archaeological resources.</p> <p>OAHP agrees with the Ontario Archaeological Society regarding the concerns they have raise that there has been an eroding of the trigger for archaeological assessments and as a result there is an increased risk that known and unknown archaeological sites and Ancestor burials could be impacted, or destroyed, by development projects before they can be identified.</p> <p>Suggested action:</p> <p>MMHA undertake greater consultation with descendant communities across Ontario in the proposed amendments.</p> <p>The language explicitly stated that the archaeological potential of a property must be assessed prior to development.</p>
<p>4.6.3: Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.</p>	<p>This policy means that properties that are already protected are the only ones that should be conserved. This is a very narrow view of the cultural heritage resources that should be conserved.</p> <p>OAHP has comments on the definition of “protected heritage property” and “adjacent” as noted below.</p> <p>Suggested amendment:</p> <p>OAHP suggests that this policy be reconsidered to conserve a wider range of cultural heritage resources.</p>
<p>4.6.4: Planning authorities are encouraged to develop and implement:</p> <ul style="list-style-type: none"> a. archaeological management plans for conserving archaeological 	<p>OAHP points out that “proactive strategies for identifying properties for evaluation under the Ontario Heritage Act” are how Municipal Heritage Registers have been used by many municipalities across the province. Recent changes to the <i>Ontario Heritage Act</i> have significantly changed their proactive use. <i>Ontario Heritage Act</i> Section 27 takes a very narrow view of the role of Municipal Heritage Registers in conserving our collective heritage</p>

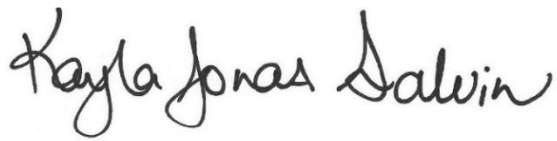
<p>resources; and</p> <p>b. proactive strategies for identifying properties for evaluation under the Ontario Heritage Act.</p>	<p>and simplifies their role to being one of blocking development. This is a false dichotomy. The benefit and necessity to modify existing heritage inventories and related procedures is not understood. There does not appear to be a direct correlation between these changes and benefits to provide more affordable housing, quicker.</p> <p>Municipalities across Ontario have maintained heritage registers in their current form since 2006 and have used these registers not only as a tool in the development process, but also as a mechanism to recognize, protect and honour places of significance. This is especially the case in some small and rural municipalities.</p> <p>OAHIP does not support the changes to the municipal heritage registers as outlined in the <i>Ontario Heritage Act</i> and has provided that input in relation to Bill 23.</p> <p>Municipal heritage registers have been proactive tools for the conservation of cultural heritage resources. Given the new limitations of the heritage register, what is the goal of this policy?</p> <p>Suggested action:</p> <p>The ministries should provide guidance on what tools can be used for proactive identification of cultural heritage resources.</p>
<p>4.6.5 Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes</p>	<p>OAHIP supports this policy. However, this policy does not provide guidance on the process for engagement, or the requirements of engagement with regard to all activities related to cultural heritage resources. For instance “identifying, protecting and managing” could be broadly interpreted, and could include all management activities including all heritage permits. We also point out that this engagement will require capacity at each Indigenous community. “Early” should also be defined, to at minimum mean that engagement should to be done prior to development.</p> <p>Suggested action:</p> <p>The ministries should engage with Indigenous communities to develop protocols for engagement and assist with capacity</p>

	<p>building to respond to engagement requests.</p> <p>“Early” should also be defined, to at minimum mean that engagement should to be done prior to development.</p>
<p>Definitions</p>	
<p>Definition</p>	<p>Comments</p>
<p>Adjacent lands: for the purposes of policy 4.6.3, those lands contiguous to a protected heritage property.</p>	<p>The change in this policy restricts municipalities from further defining adjacency through an Official Plan. This change means that assessment of impacts in policy 4.6.3 above is only relevant for properties that are contiguous to protected heritage properties.</p> <p>OAHP believes that this change will have unintended consequences on built heritage resources and cultural landscapes provincially. Two examples of this include, the Rideau Canal UNESCO World Heritage site in Ottawa where the adjacent roadways and pathways mean there are few contiguous parcels of land abutting the canal. This is similar for the Central Experimental Farm National Historic Site of Canada. Restricting the ability of municipalities to assess heritage impacts of proposed development in close proximity to these sites could have significant detrimental impacts on heritage value, economic development, tourism and potentially the UNESCO World Heritage status itself.</p> <p>The examples above are only from one municipality, however there are other significant sites province-wide that will be impacted by this change.</p> <p>Suggested amendment:</p> <p>The definition of “adjacent lands” as it related to protected heritage property should reinstate the ability for municipalities to define adjacency within an Official Plan.</p>
<p>Protected heritage property: means</p> <ul style="list-style-type: none"> property designated under Part IV or VI of the Ontario 	<p>The definition of protected heritage property is very narrow and does not include properties listed on the Municipal Heritage Register under Section 27 of the <i>Ontario Heritage Act</i>. It also fails to recognize that most archaeological resources are not yet</p>

<ul style="list-style-type: none"> Heritage Act; • property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act; • property subject to a heritage conservation easement or covenant under Part II or IV of the Ontario Heritage Act; • property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under Part III.1 of the Ontario Heritage Act and the heritage standards and guidelines; • property with known archaeological resources in accordance with Part VI of the Ontario Heritage Act; • property protected under federal heritage legislation; and • UNESCO World Heritage Sites. 	<p>“known”.</p> <p>Further, this definition will ultimately exclude many significant heritage resources province wide but particularly in municipalities like Ottawa and Kingston where there are high concentrations of federally owned properties and National Historic Sites. The definition now includes “property protected under federal heritage legislation”. As of May 2023, no such federal heritage legislation exists except for the Heritage Railway Stations Protections Act and the Heritage Lighthouse Protection Act, both of which have limited applicability. National Historic Sites are designated under the Historic Sites and Monuments Act but are not “protected” by federal legislation. The revised definition overlooks the large number of federally owned heritage properties that are designated by the Federal Heritage Buildings Review Office under the Treasury Board policy on Management of Real Property. Many of these sites, such as the Central Experimental Farm in Ottawa are also National Historic Sites.</p> <p>The consideration of these important protected heritage properties as part of the planning process has been overlooked in this amendment to the PPS.</p> <p>Suggested amendment:</p> <p>The definition of “protected heritage property” should be amended to include:</p> <ul style="list-style-type: none"> • Properties listed on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act. • Designated National Historic Sites • Federally owned properties designated by the Federal Heritage Buildings Review Office • An expanded definition of archaeological resources.
<p>Heritage attributes: means, as defined under the Ontario Heritage Act, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and</p>	<p>The alignment with the <i>Ontario Heritage Act</i> is a positive change to this definition and provides clarity.</p>

<p>structures that contribute to their cultural heritage value or interest.</p>	
<p>Archaeological resources: includes artifacts, archaeological sites, and marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the Ontario Heritage Act.</p>	<p>OAHP would like to echo comments made by our colleagues at the Ontario Archaeological Society at the recent Cultural Heritage Roundtable Meeting with MMHA that greater consultation with descendant communities across Ontario in the proposed amendments is required on any and all policies related to archaeological potential and archaeological resources.</p> <p>Suggested action:</p> <p>MMHA undertake greater consultation with descendant communities across Ontario in the proposed amendments</p>
<p>Areas of archaeological potential: means areas with the likelihood to contain archaeological resources, as evaluated using the processes and criteria that are established under the Ontario Heritage Act.</p>	<p>OAHP would like to echo comments made by our colleagues at the Ontario Archaeological Society at the Cultural Heritage Roundtable Meeting with MMHA that greater consultation with descendant communities across Ontario in the proposed amendments is required on any and all policies related to archaeological potential and archaeological resources.</p> <p>Suggested action:</p> <p>MMHA undertake greater consultation with descendant communities across Ontario in the proposed amendments.</p> <p>OAHP supports the suggestion from the Ontario Archaeological Society that this definition explicitly states that the assessment of said potential is made by an archaeologist licenced to work in the province of Ontario, and/or through consultation with Indigenous communities.</p>

Thank you for the opportunity to provide you with our input.



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