



The Ontario Archaeological Society Inc.

encouraging the ethical practice of archaeology

May 10, 2024

OAS Response to “Review of proposed policies for a new provincial planning policy instrument” ERO 019-8462

The Ontario Ministry of Municipal Affairs and Housing (MMAH) is once again seeking feedback on an updated proposed Provincial Planning Statement (PPS). We have seen no changes in the 2024 Proposed PPS from the 2023 Proposed PPS, despite heritage organizations such as us, the Ontario Association of Heritage Professionals (OAHP), Architectural Conservancy Ontario, National Trust for Canada and others raising concerns last year.

This proposal comes in on the heels of the Ontario Ministry of the Environment, Conservation and Parks recent proposal to revoke the Municipal Class Environmental Assessment (MCEA) in favour of a more “streamlined EA process,” and arrives in tandem with Bill 185, “Cutting Red Tape to Build More Homes Act, 2024”. Everywhere we look, provincial policy is being re-written to erode policies that protect Indigenous heritage as well as those that trigger archaeological assessments.

While heritage organisations scramble to submit responses to all these EROs, the message that the Ontario government is sending is clear: heritage conservation is getting in the way of building more housing. The National Trust for Canada discusses this trend in recent years further: <https://nationaltrustcanada.ca/online-stories/code-red-heritage-conservations-contribution-to-the-housing-crisis>).

While the OAS, and surely the rest of Ontario’s heritage sphere, has our own concerns about the housing crisis, we disagree that the current policies and procedures currently in place to protect Ontario’s heritage properties, archaeological sites, and Ancestor burials, is what is standing in the way of building more homes. Instead of creating more chaos and confusion by removing policies and procedures that have been in place for many years, we maintain that the government would find more success by investing more into archaeology and heritage to help the systems we already have in place work more efficiently (training the next generations as well). We would also submit that the hundreds of Indigenous communities across Ontario are not being consulted about these changes and hearing that they have not been given enough time to respond (note: we did utilize the generous two extra days moving the deadline from May 10 to May 12, 2024 for this submission).

Particularly concerning for us is the proposed wording from the 2024 PPS (unchanged from the 2023 proposal), which is as follows for **4.6 Cultural Heritage and Archaeology**:

- “1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.
2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the archaeological resources have been conserved.
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.
4. Planning authorities are encouraged to develop and implement:

- a) archaeological management plans for conserving archaeological resources; and
 - b) proactive strategies for identifying properties for evaluation under the Ontario Heritage Act.
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.”

First, we would like to again echo the concerns from our Indigenous and non-Indigenous colleagues working in heritage, and reference the 2023 letter submitted by the OAH in particular, that 4.6.1 and 4.6.3 of the 2023/2024 Proposed PPS above will reduce the protection afforded to heritage properties, as it only seems concerned with “protected” (i.e., **already designated**) properties. This leaves as yet undiscovered archaeological sites (of which there are many), and unlisted or unregistered heritage properties vulnerable to being impacted by development. Since Bill 23’s changes to the *Ontario Heritage Act* it has become more difficult than before to get heritage places designated. With this proposed 2023/2024 Provincial Policy Statement, it will be even more difficult than ever before to conserve heritage properties without that designation already in place.

Additionally, the OAS recommends that the 2024 PPS use more specific language in 4.6.5, ensuring that planning authorities **meaningfully consult with Indigenous communities prior to development**. Only in this way can municipalities begin to fulfill their duty to consult and accommodate with local, descendant, and Indigenous communities on development projects, fulfilling the delegated aspects of their obligations on behalf of the Crown.

Next, in light of other recent proposals, such as revoking the MCEA and Bill 185 proposing to disallow municipalities to require a pre-consultation with developers before submitting a proposal to do work, the OAS is more concerned about protecting triggers for archaeological assessment in advance of development. Though we are happy to note that the 2024 PPS encourages municipalities to develop their own archaeological management plans, the reality is that most municipalities do not yet have one in place (nor are they likely to have capacity or **funding** to do so). Therefore, we would like to advise the MMAH to more precisely define “**areas of archaeological potential**” in the PPS as something that must be assessed by an archaeologist licenced to work in the province of Ontario, and/or through meaningful engagement with Indigenous communities who have their own experts and expertise about their Traditional lands.

Finally, the OAS would like to repeat our suggestions from last year’s round table with the MMAH, once again urging them to undertake overall greater consultation with Indigenous communities **across Ontario** and on the newly proposed PPS. In this age of the Ontario government supposedly operating under *Bill 76, United Nations Declaration on the Rights of Indigenous Peoples, 2019* (UNDRIP), and the duty to consult and accommodate, this needs to be improved with more notice and time for everyone to make their concerns known.

Thank you for considering our suggestions, on behalf of the OAS Board of Directors.

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