

**Bill 23: Implementation of Changes to the *Ontario Heritage Act***

**Projet de loi 23 : Mise en oeuvre des modifications à la *Loi sur le patrimoine de l'Ontario***

**Committee recommendations, as amended**

**That Council:**

- 1. Receive for information the Bill 23 *Ontario Heritage Act* Legislative Compliance Strategy 2023-2025, as follows:**
  - a. The strategy for screening and prioritization of non-designated properties listed on the Municipal Heritage Register for consideration for designation under Part IV of the *Ontario Heritage Act*, as shown in Document 1**
  - b. The approach for the phased removal of non-designated properties from the Municipal Heritage Register**
  - c. The amendments to the City's heritage designation process regarding consultation and reporting**
  - d. The strategy for consultation with community associations, historical societies, and other community organizations, and the development of a volunteer strategy**
  - e. General procedural changes to address resourcing and workload implications of Bill 23.**
  
- 2. Approve the following administrative and procedural amendments:**
  - a. Discontinue the use of the Council-approved procedures for the Heritage Register**
  - b. Adopt the *Ontario Heritage Act* Alternative Notice Policy under Section 270 of the *Municipal Act* attached as Document 2**

- c. Direct staff to prepare an amendment to the Notice By-law 2002-522 to enact the alternative notice requirements for the publication of notice under the *Ontario Heritage Act*
  - d. Direct staff to bring forward a Standard Heritage Easement By-law for approval by Council
  - e. Approve reduced timelines for the publication of reports for Built Heritage Committee and Planning and Housing Committee as set out in this report
3. Approve the addition of the following items to the Heritage Planning Branch workplan and direct staff to undertake such work as follows:
- a. Direct staff to bring forward a list of priority Heritage Conservation District Studies for consideration by BHC and Council by Q1 2024 along with associated Terms of Reference for conducting Heritage Conservation District studies.
  - b. Direct staff to develop a monitoring tool and heritage information resource for properties of heritage interest that have been removed from the City's Heritage Register as a result of Bill 23.
  - c. Direct staff to review Section 29 (Part IV and Part V of the *Ontario Heritage Act*) of Schedule "I" of the Delegation of Authority By-law (Bylaw 2023-67) and recommend any amendments to Council in Q1 2024 that improve the efficiency of approvals within the context of the constraints of Bill 23.
4. Suspend the rules of procedure to consider this report at the June 14<sup>th</sup> Council meeting so it may be considered concurrently with the Bill 109 Implementation Phase 2 report (ACS2023-PRE-GEN-0004) and the Provincial Legislation Resource Impact report (ACS2023-PRE-GEN-0005).

**Recommandations du Comité, telles que modifiées**

Que le Conseil :

1. Prenne connaissance, à titre d'information, de la Stratégie de conformité à la Loi, pour la période 2023-2025, du projet de loi 23 visant la *Loi sur le patrimoine de l'Ontario*, dont voici les points saillants :
  - a. La stratégie de sélection et de priorisation des biens non désignés et figurant au Registre du patrimoine de la Ville, dont la désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario* doit être examinée, comme le décrit le document 1;
  - b. L'approche adoptée pour la suppression graduelle du Registre du patrimoine de la Ville des biens non désignés;
  - c. Les modifications apportées au processus de désignation patrimoniale de la Ville, en matière de consultation et d'établissement de rapports;
  - d. La stratégie de consultation des associations communautaires, des sociétés d'histoire et d'autres organisations de citoyens, et l'élaboration d'une stratégie de bénévolat;
  - e. Les modifications d'ordre général apportées aux procédures afin de tenir compte des répercussions du projet de loi 23 sur la dotation et la charge de travail.
  
2. Approuve les modifications administratives et procédurales suivantes :
  - a. Cesser d'appliquer les procédures approuvées par le Conseil relatives au Registre du patrimoine;
  - b. Adopter la politique sur les types d'avis différents de la *Loi sur le patrimoine de l'Ontario* en vertu de l'article 270 de la *Loi sur les municipalités*, ci-jointe en tant que document 2;
  - c. Enjoindre au personnel d'élaborer une modification au Règlement municipal sur les avis publics 2002-522, afin d'adopter les exigences relatives aux types d'avis différents pour la publication d'avis en vertu de la *Loi sur le patrimoine de l'Ontario*;

- d. Enjoindre au personnel de soumettre à l'approbation du Conseil un règlement municipal sur les servitudes patrimoniales standards;
  - e. Approuver la réduction des délais de publication de rapports au Comité du patrimoine bâti et au Comité de la planification et du logement, comme il est précisé dans le présent rapport.
3. Approuve l'ajout des points suivants au plan de travail de la Direction de la planification du patrimoine et enjoindre au personnel d'entreprendre les missions suivantes :
- a. Soumettre au Comité du patrimoine bâti et au Conseil, d'ici le premier trimestre de 2024, une liste des études prioritaires des districts de conservation du patrimoine, accompagnée du mandat validant la réalisation d'études des districts de conservation du patrimoine;
  - b. Élaborer un outil de surveillance et une ressource d'information sur le patrimoine visant les biens d'intérêt patrimonial qui ont été retirés du Registre du patrimoine de la Ville en raison du projet de loi 23;
  - c. Examiner l'article 29 (parties IV et V de la *Loi sur le patrimoine de l'Ontario*) de l'annexe I du Règlement municipal sur la délégation de pouvoirs (Règlement n° 2023-67) et recommander des modifications au Conseil, au cours du premier trimestre de 2024, visant à améliorer l'efficacité des approbations dans le contexte des contraintes du projet de loi 23.
4. Suspende les règles de procédure pour examiner le présent rapport lors de la réunion du Conseil du 14 juin du Conseil, afin qu'il puisse être examiné parallèlement avec le rapport sur la phase 2 de mise en œuvre du projet de loi 109 (ACS2023-PRE-GEN-0004) et le rapport sur les répercussions de la législation provinciale sur les ressources (ACS2023-PRE-GEN-0005).

Documentation/Documentation

1. Director's report, Right of Way, Heritage and Urban Design Services, Planning, Real Estate and Economic Development Department, dated June 2, 2023 (ACS2023-PRE-RHU-0019)

Rapport du Directeur, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'immobilier et du développement économique, daté le 2 juin 2023 (ACS2023-PRE-RHU-0019)

2. Extract of draft Minutes, Built Heritage Committee, June 13, 2023

Extrait de l'ébauche du procès-verbal, Comité du patrimoine bâti, le 13 juin 2023

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Bill 23: Implementation of Changes to the Ontario Heritage Act

File No.: ACS2023-PRE-RHU-0019 – City Wide

Lesley Collins, Program Manager, Heritage Planning Branch, presented an overview of the report recommendations and answered questions from the Committee. She is accompanied by Greg MacPherson, Planner II, Heritage Planning Branch. A copy of the slide presentation is filed with the Office of the City Clerk.

Committee Members received the following submissions in support of the application, and a copy of each is filed with the Office of the City Clerk:

- David Flemming, Heritage Ottawa
- Susan Peterson d'Aquino, Rockcliffe Park Heritage Outreach Committee

The following delegations spoke before the Committee on the report recommendations:

- David Flemming, Heritage Ottawa, in support
- Michele Hayman, Rockcliffe Park Residents Association, with comments

Following discussion on this item, the Committee carried the report recommendations as amended by motion no BHC 2023-06-01.

**Report Recommendations**

**That the Built Heritage Committee recommend that Council:**

- 1. Receive for information the Bill 23 *Ontario Heritage Act* Legislative Compliance Strategy 2023-2025, as follows:**

- a. The strategy for screening and prioritization of non-designated properties listed on the Municipal Heritage Register for consideration for designation under Part IV of the *Ontario Heritage Act*, as shown in Document 1
  - b. The approach for the phased removal of non-designated properties from the Municipal Heritage Register
  - c. The amendments to the City's heritage designation process regarding consultation and reporting
  - d. The strategy for consultation with community associations, historical societies, and other community organizations, and the development of a volunteer strategy
  - e. General procedural changes to address resourcing and workload implications of Bill 23.
2. Approve the following administrative and procedural amendments:
- a. Discontinue the use of the Council-approved procedures for the Heritage Register
  - b. Adopt the *Ontario Heritage Act* Alternative Notice Policy under Section 270 of the *Municipal Act* attached as Document 2
  - c. Direct staff to prepare an amendment to the Notice By-law 2018-306 to enact the alternative notice requirements for the publication of notice under the *Ontario Heritage Act*
  - d. Direct staff to bring forward a Standard Heritage Easement By-law for approval by Council
  - e. Approve reduced timelines for the publication of reports for Built Heritage Committee and Planning and Housing Committee as set out in this report
3. Approve the addition of the following items to the Heritage Planning Branch workplan and direct staff to undertake such work as follows:
- a. Direct staff to bring forward a list of priority Heritage Conservation District Studies for consideration by BHC and Council by Q1 2024 along with associated Terms of

Reference for conducting Heritage Conservation District studies.

- b. Direct staff to develop a monitoring tool and heritage information resource for properties of heritage interest that have been removed from the City's Heritage Register as a result of Bill 23.
  - c. Direct staff to review Section 29 (Part IV and Part V of the *Ontario Heritage Act*) of Schedule "I" of the Delegation of Authority By-law (Bylaw 2023-67) and recommend any amendments to Council in Q1 2024 that improve the efficiency of approvals within the context of the constraints of Bill 23.
4. Suspend the rules of procedure to consider this report at the June 14<sup>th</sup> Council meeting so it may be considered concurrently with the Bill 109 Implementation Phase 2 report (ACS2023-PRE-GEN-0004) and the Provincial Legislation Resource Impact report (ACS2023-PRE-GEN-0005).

Carried as amended

Amendment:

Motion No. BHC 2023-06-01

Moved by S. Plante

WHEREAS the Report on Bill 23: Implementation of Changes to the *Ontario Heritage Act* proposes changes to the Notice By-law to provide for certain notices to be on the City's website rather than newspapers;

AND WHEREAS the Notice By-law is 2002-522, as amended rather than 2018-360 which is cited in the report;

THEREFORE BE IT RESOLVED THAT the references to By-law 2018-360 be replaced by reference to By-law 2002-522, as amended.

Carried