

**Subject: Bill 23: Implementation of Changes to the *Ontario Heritage Act* –  
Heritage Register Removal Report #2**

**File Number: ACS2024-PRE-RHU-0032**

**Report to Built Heritage Committee on 4 March 2024  
and Council 3 April 2024**

**Submitted on February 21, 2024 by Court Curry, Manager, Right of Way, Heritage,  
and Urban Design Services, Planning, Real Estate and Economic Development**

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**Ward: Citywide**

**Objet: Projet de loi 23: Mise en œuvre des changements apportés à la *Loi  
sur le patrimoine de l'Ontario* – Rapport n° 2 – Suppression  
d'éléments du Registre du patrimoine**

**Numéro de dossier: ACS2024-PRE-RHU-0032**

**Rapport présenté au Comité du patrimoine bâti Rapport soumis le 4 mars 2024  
et au Conseil le 3 avril 2024**

**Soumis le 21 février 2024 par Court Curry, Directeur, Services des emprises, du  
patrimoine, et du design urbain, Services de la planification, des biens  
immobiliers et du développement économique**

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**Quartier: À l'échelle de la ville**

#### **REPORT RECOMMENDATION(S)**

**That Built Heritage Committee recommend that Council removes reference to the  
properties listed in Document 1, attached to this report, from the Municipal  
Heritage Register.**

#### **RECOMMANDATION(S) DU RAPPORT**

**Que le Comité du patrimoine bâti recommande au Conseil de supprimer du**

**Registre municipal du patrimoine la mention des propriétés énumérées dans le document 1 joint au présent rapport.**

## **BACKGROUND**

This report follows directions from report [ACS2023-PRE-RHU-0019](#) which established the Heritage Planning Branch's strategy for the implementation of Bill 23's legislative amendments to the *Ontario Heritage Act* along with associated procedural and administrative changes. Following Report ACS2024-PRE-RHU-0020 this report is the second recommending the removal of properties from the Municipal Heritage Register.

### **Municipal Heritage Register**

Section 27 (3) of the *Ontario Heritage Act* allows municipalities to list non-designated properties of cultural heritage value or interest on a municipal heritage register. Listing on a municipal heritage register provides interim demolition protection for properties. If a property owner wishes to demolish a building or structure located on a non-designated property listed on a municipal heritage register, Section 27 (9) of the *Ontario Heritage Act* requires that they provide 60 days' notice, in writing, of their intent to demolish.

The Province of Ontario's Bill 23 introduced new restrictions to the listing of non-designated properties which came into effect on January 1, 2023. Non-designated properties can be listed on a municipal register for a maximum of two years, whereas prior to these amendments a non-designated property could be listed indefinitely. If a listed non-designated property is not designated or subject to an active Notice of Intention to Designate at the two-year anniversary of its listing date it must be removed from the heritage register and cannot be listed again for a period of five years.

### **Review of Non-Designated Properties Listed on Ottawa's Heritage Register**

As set out in recommendation 1 (A) of report ACS2023-PRE-RHU-0019 Heritage Planning staff have conducted a phased review of the non-designated properties listed on the City's heritage register. Phase I of this review involved a "Yes" or "No" assessment using existing municipal heritage data to identify candidate properties for individual heritage designation. Properties that received a "Yes" were deemed candidates for individual designation and moved on to Phase II, which is the ongoing prioritization, researching, and potential designation of these candidate properties. Properties that received a "No" were not identified as individual designation candidates.

### **Removal of Listed Non-Designated Properties from Heritage Register**

This report's recommendation follows the direction established by recommendation 1 (B) in report [ACS2023-PRE-RHU-0019](#). This directs staff to commence the phased

removal of listed, non-designated properties from the City of Ottawa's Municipal Heritage Register in advance of their legislated removal after December 31, 2024 via the provisions of *Ontario Heritage Act* section 27 (15) and (16). This report is the second of several anticipated reports which will remove the majority of listed, non-designated properties from the Municipal Heritage Register. The intent of removing properties in phases is to gradually bring Ottawa's Municipal Heritage Register into compliance with the post-Bill 23 intent of the *Ontario Heritage Act*, which has shifted the Municipal Heritage Register from a more passive commemoration and monitoring tool to an active and fluctuating interim conservation tool tied directly to development processes regulated by the *Planning Act*. To assist with the notification and scheduling of affected Ward Councillors, and to ensure capacity for consultation with the Built Heritage Committee, properties identified for removal from the Heritage Register are being brought forward in batches. The first three register removal reports will be organized by Ward, with subsequent removal reports following the completion of related Bill 23 implementation work including the forthcoming Heritage Conservation District (HCD) study area workplan report.

Removing properties from the Municipal Heritage Register in advance of December 31, 2024 retains Council's ability to re-list properties, whereas listed properties removed by the processes of *Ontario Heritage Act* section 27 (15) or (16) are prohibited from re-listing for a period of five years. Heritage staff are not recommending the mass re-listing of properties removed from the Municipal Heritage Register but may pursue the re-listing of certain properties when appropriate, in accordance with the revised provisions of the *Ontario Heritage Act*. Non-designated properties are now subject to the "Criteria for Determining Cultural Heritage Value or Interest" set out in Ontario Regulation 9/06 which requires them to meet one or more of the nine prescribed criteria to be listed on the Municipal Heritage Register. This requirement matches the pre-Bill 23 test for designation of a property under Part IV of the *Ontario Heritage Act*. Given this higher threshold for listing properties on the municipal heritage register, staff's opinion is that retaining the ability to re-list properties by removing them prior to the December 31, 2024, deadline is appropriate and ensures that the Municipal Heritage Register can be implemented as intended by the Province. Staff note that a property being removed from the Municipal Heritage Register via any process does not prohibit its designation under Part IV or V of the *Ontario Heritage Act*.

## **DISCUSSION**

### **Recommendation 1: Remove reference to the properties listed in Document 1 from the City's Municipal Heritage Register.**

The City of Ottawa's Municipal Heritage Register contains approximately 4600 listed,

non-designated properties. Heritage staff have undertaken a comprehensive review of the existing Municipal Heritage Register, as detailed in report ACS2023-PRE-RHU-0019 – along with outreach to Ward Councillors, engagement with community associations and other organizations, and online engagement via Engage Ottawa – to identify properties as potential candidates for designation under Part IV or Part V of the *Ontario Heritage Act* and to develop a research workplan. Properties not identified as potential designation candidates will be removed from the register. This second report recommends the removal of properties from the following Wards: 7, 8, 9, 10, and 11. The properties recommended for removal from the heritage register by this report were screened as part of the Phase I heritage register review detailed in recommendation 1 (A) of report ACS2023-PRE-RHU-0019 and were not identified as candidates for individual designation. In total, this report recommends the removal of 100 properties from the Municipal Heritage Register. The recommended removals are summarized by Ward in Document 1. The removal of a property from the municipal heritage register does not preclude its future designation under Part IV or V of the *Ontario Heritage Act*. Properties in the above-noted wards which remain listed on Ottawa’s municipal heritage register may be removed in subsequent reports over the course of 2024.

### **Heritage Register Data**

Recommendation 3 (b) in report ACS2023-PRE-RHU-0019 directs staff to create a new development monitoring tool and public heritage information resource. As an interim measure, existing publicly-accessible data related to properties removed from the heritage register through this report will remain available online through GeoOttawa. Properties removed from the Heritage Register will be identified on GeoOttawa with a unique symbol and labeled as “Former Heritage Register Listing”. The intent of this temporary approach is to maintain public access to existing heritage data while a more permanent solution is developed. Heritage staff will bring forth recommendations in an upcoming report to fully implement this direction.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the report recommendation.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

Affected Ward Councillors are aware of the recommendations of this report.

Once removals are complete city-wide, all affected property owners will be notified.

## **CONSULTATION**

Consultation in advance of this report has been conducted following the recommendations of report [ACS2023-PRE-RHU-0019](#). Impacted Ward Councillors are aware of the recommendations of this report.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report. Staff have ensured that related project material distributed publicly is available in an accessible form and will accommodate any further accessibility needs should they arise.

## **RISK MANAGEMENT IMPLICATIONS**

There are limited risk implications. These risks have been identified and explained in the report and are being managed by the appropriate staff

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with this report.

## **RURAL IMPLICATIONS**

This report recommends the removal of some rural properties from the City of Ottawa's municipal heritage register. These properties will no longer be subject to the heritage register provisions of the *Ontario Heritage Act*.

## **TERM OF COUNCIL PRIORITIES**

There are no direct impacts to the 2023-2026 Term of Council Priorities. The intent of this report is to bring the City's heritage planning program into compliance with the requirements of the *Ontario Heritage Act*, as amended by Bill 23.

## **SUPPORTING DOCUMENTATION**

Document 1: Properties to be Removed from Municipal Heritage Register

## **DISPOSITION**

Heritage Planning staff are responsible for implementing the recommendations of this report. Heritage Planning staff will continue to administer the *Ontario Heritage Act* according to the Heritage Register procedures approved by Council and the *Ontario Heritage Act*.

## Document 1: Properties to be Removed from Municipal Heritage Register

### Ward 7:

<b>STREET NUMBER</b>	<b>STREET NAME</b>
29	Bedale
41	Bedale
2111	Benjamin
54	Bradford
64	Bradford
63	Britannia
90	Britannia
141	Britannia
195	Britannia
220	Britannia
229	Britannia
230	Britannia
236	Britannia
240	Britannia
190-192	Britannia
238A-238B	Britannia
3664	Carling
3859	Carling
2780	Cassels
1967	Castlewood
6	Cleadon
72	Cleadon
51	Corkstown
230	Davidson's Side
13	Hillview
2021	Killarney

905	Killeen
931	Killeen
939	Killeen
946	Killeen
947	Killeen
1954	Lauder
11	Lock Isle
488	Mansfield
877	Maplecrest
982	Parkhurst
2087	Prince Charles
2511	Regina
2547	Regina
2748	Rowatt
2113	Rushton
630	Sherbourne
54	Still Water
925	Watson
446	Westminster
23	Whitburn
24	Whitburn
7	Winfield
286	Zephyr

**Ward 8:**

<b>STREET NUMBER</b>	<b>STREET NAME</b>
1101	Baxter
1934	Bel-Air
1042	Castle Hill
1130	Castle Hill

2675	Draper
6	Epworth
1249	Fellows
2	Laurentide
201	Moodie
3229	Richmond
1731	Robertson
1203	Southwood
1251	Southwood
2444	Thorson
1292	Tompkins
1300	Tompkins

**Ward 9:**

<b>STREET NUMBER</b>	<b>STREET NAME</b>
77	Arco
11	Ashburn
9	Avonlea
21	Avonlea
5	Beliveau
5	Burnbank
24	Burnbank
33	Burnbank
107	Chesterton
3641	Fallowfield
17	Mayo
2600	Prince of Wales
27	Silverwood
6	Tennyson
2086	Woodroffe



**Ward 10:**

<b>STREET NUMBER</b>	<b>STREET NAME</b>
1499	Jarvis
3	Orville Kemp
3664	Ramsayville
4240	Russell
4300	Russell

**Ward 11:**

<b>STREET NUMBER</b>	<b>STREET NAME</b>
1	Burrows
7	Burrows
10	Kaymar
14	Kaymar
1	Oriole
21	Oriole
53	Oriole
61	Oriole
2	Rothwell
10	Rothwell
16	Rothwell
2	Taunton
30	Whippoorwill
33	Whippoorwill
22	Wren