

Bill 23 Amendments to the *Ontario Heritage Act* and Proposed Heritage Designation Strategy

Summary

The purpose of this briefing note is to inform Council about Bill 23 amendments to the *Ontario Heritage Act* (OHA) and how the City proposes to address them, specifically;

- implications to the City's Heritage Register; and
- a proposed strategy for pursuing heritage designations under Part IV of the *Ontario Heritage Act* in response to the amendments.

Background

- Heritage conservation has traditionally been a priority for Richmond Hill Council. It supports a number of the City's strategic objectives and corporate priorities, also bolstering Richmond Hill's unique and special character, local tourism and economic spin-offs.
- Richmond Hill has relied on two main tools under the *Ontario Heritage Act* to protect heritage properties:
 - designating properties; and
 - listing non-designated properties on the Heritage Register.
- In addition to recognizing the importance of a heritage property to the local community and encouraging good stewardship, designation of individual properties empowers the City with:
 - the legal ability to manage and conserve heritage properties by recognizing and protecting the heritage features of a property; and
 - a regulatory process to ensure that changes to a heritage property are appropriate and respect the property's heritage value, including protection from demolition.
- Authorized through the *Ontario Heritage Act* (OHA), the Heritage Register is a list of properties maintained by the City that consists of:
 - properties that are designated individually (under Part IV, OHA);
 - properties within heritage conservation districts (under Part V, OHA); and
 - other properties that are considered to have cultural heritage value or interest that are not designated under the OHA, referred to as *listed* properties.
- The City of Richmond Hill currently has a total of 337 properties on its Heritage Register; of these, 236 are listed, 62 are individually designated, and 39 are designated as part of the Gormley Heritage Conservation District (under Part V, OHA).
- Through Bill 23 and its intent to remove barriers to housing development, the Province amended the OHA to introduce a 2-year time limit for how long listed properties can remain on a municipal Heritage Register without being designated under the OHA.

- These changes compel municipalities to take a proactive review and consideration of properties for heritage designation within the prescribed 2-year timeframe.
- Given the tight deadline imposed by Bill 23, staff will be embarking on a strategy to pursue heritage designations within key areas of the City, such as the historic Village Core and early 19th century settlements in the City, working in consultation with Heritage Richmond Hill.

Current Status

Bill 23 Amendments to the *Ontario Heritage Act*

- Under the changes to the *Ontario Heritage Act (OHA)*, all *listed* properties on a municipal Heritage Register will be:
 - automatically removed on January 1st, 2025, should the City decide not to initiate designation; and
 - once removed, the changes to the Act preclude the re-listing of heritage properties for a period of 5 years.
- These amendments translate to a significant shift in how heritage properties are dealt with through the Register:
 - owners of listed properties will be able to object to the inclusion of their property on the Register, regardless of when the property was listed (the grounds for objection have not been defined, nor have any appeal limits);
 - there is now a waiting period before an automatically-removed property can be re-listed; and
 - in the case where a development application has been submitted, the city is prohibited from commencing a designation if the property is not already on the Register.

Proposed Heritage Designation Strategy

- In response to these new requirements under the OHA, staff will be embarking on a strategy for heritage designations to align with the prescribed timelines, working in consultation with Heritage Richmond Hill. Specifically, staff will be looking at priority areas of the City with a focus on:
 - Areas of historical importance to Richmond Hill;
 - Areas that are key to the evolution of the City; and
 - Areas with a perceptible heritage character.
- Based on the above, the following priority areas will be examined:
 - The historic Village Core (including properties along Yonge Street within the Core) with a target of 20 - 25 potential designations based on a pre-screening of 176 properties; and
 - Early 19th century settlements and hamlets throughout the City such as Headford, Elgin Mills, Temperanceville and Oak Ridges, with a target of 7 - 10 designations based on a pre-screening of 60 properties. Note that Gormley will be excluded from this exercise given its existing protection as a designated Heritage Conservation District (under Part V of the OHA).

- Major Considerations and Risks
 - It should be noted that designating all listed properties on the Heritage Register is not feasible within the newly-prescribed OHA timeframe; noting that it would take approximately 10 years of work to complete all designations with a staff resource dedicated to designations alone (outside of the existing compliment). The 10 year timeframe has been calculated based on 70 hours of work per designation (which has been validated with other Ontario municipalities), for all 236 listed properties on the Heritage Register. Additional time required for planning and administration, stakeholder consultation, liaising with relevant City departments (Legal, Clerk's), and reporting (to Heritage Richmond Hill and Council) has also been factored in.
 - The abovementioned targets for property designations are contingent on having at least two heritage planners in place (the City currently has one) to undertake a scoped workplan based on what is feasible to complete within the timeline and the level of effort estimated for individual designations.
 - In addition to administering heritage permits under the OHA, the specific job requirements for an additional position is the equivalent to the existing Urban Design/Heritage Planner role, and is specialized in nature, requiring skill and expertise in navigating informational resources such as archives and the land registry, knowledge of regional and/or local architectural styles, and forming an opinion on the cultural attributes and significance of heritage properties. The role also entails undertaking of site visits, photographic documentation, formulating property evaluations and designation reports, consultation with Heritage Richmond Hill, and reporting to Council with recommendations on designations.
 - Designation means that owners will be required to seek approval from Council for alterations or demolition of their designated heritage property; the OHA provides a process for objection and/or appeal of designations to the OLT should they wish to contest or appeal the designation.
 - The changes to the OHA also permit owners of listed properties to object to the inclusion of their property on the Heritage Register, regardless of when the property was listed – the grounds for objection have not been defined, nor have the appeal limits.

Next Steps

- Staff will continue to refine the workplan and process for the Heritage Designation Strategy and will explore options to secure additional staff resource for the duration of the project.
- Staff will engage Heritage Richmond Hill in examining the two priority areas discussed above, with a view to identifying properties worthy of designation.
- A report back to Council on recommendations for property designations is targeted for Q4 2024.

Key Messages

- Heritage conservation has traditionally been a priority for Richmond Hill Council, as it supports Richmond Hill's unique and special character, local tourism and economic spin-offs.
- The City has relied on two main tools for heritage protection under the OHA: the designation of properties and the inclusion of non-designated (*listed*) properties on the Heritage Register.
- As Bill 23 enacts a 2-year time-limit for non-designated properties on the Heritage Register, the City must respond to new OHA requirements to avoid the automatic delisting of all properties on January 1st, 2025.

- To respond to these new restrictions and meet the prescribed timeline under the amended *Ontario Heritage Act*, the City proposes to undertake a scoped Heritage Designation Strategy that focuses on priority areas, working in consultation with Heritage Richmond Hill to recommend properties for designation.

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Corporate Briefing Note