



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

REPORT

Subject: Bill 23 (More Homes, Built Faster Act, 2022), Changes to ON Heritage Act

Director: Corporate Services

Manager: Legislative Services

Report Number: Legislative Services-2023-09

Meeting Date: Monday, May 15, 2023

Recommendation:

That Council support the Town of Grimsby's Resolution regarding changes to Ontario Heritage Act concerning the Municipal Heritage Register.

Date to be considered by Council: Monday, May 15, 2023

Report Summary:

This report provides an update on the recent changes to the Ontario Heritage Act due to Bill 23, the More Homes Built Faster Act, 2022.

Origin: Bill 23, More Homes Built Faster Act, 2022

Existing Policy: Resolution #08/05/09 – 04 – Accept Heritage Registry

Background/Analysis:

On November 28, 2022, Bill 23 received royal assent and proposed extensive changes to various pieces of legislation, including the Ontario Heritage Act (OHA). On January 1, 2023, the amendments to the OHA were proclaimed into force, except for one provision that requires that the Heritage Register be posted on the Municipality's website, intended to come into effect on July 1, 2023. Highlighted changes to the OHA set out in Schedule 6 of Bill 23 include:

1. Increased restrictions on a municipality's ability to issue a notice of intention to designate a property;
2. Prescribed criteria to designate properties;
3. Stricter rules on requirements to remove properties from the register;
4. Prescribed criteria to designate Heritage Conservation Districts; and

5. Permitting retroactive ministerial review of provincial heritage properties. One of the significant change to the OHA will be how the Municipality conserves its heritage buildings, particularly with respect to listing heritage properties on the Heritage Register.

The Municipality's Heritage Register is a valuable tool, to recognize and appreciate the heritage, either cultural or architectural, while allowing the homeowner to make improvements to the home. It also provides additional time of 60 days (vs. 10 days for a regular Demolition Permit), when a completed Demolition Permit is received by the Building Department. The additional 50 days to process, gives Heritage Kincardine and Council additional time, to determine if a full Heritage Designation under the OHA is warranted.

The change refers to a new two-year time limitation that a heritage property can stay listed on the Heritage Register (non-Designated properties). There are currently 110 properties listed on the Municipality of Kincardine's Heritage Register, which are not Designated as Heritage Buildings under the OHA (45 are designated). These properties on the Heritage Register are now subject to a new 2-year time limitation (from January 1, 2023), whereby if Council does not complete a full Heritage Designation under subsection 29 (1) of the OHA to these properties within 2 years, Council must remove the properties from the Register and cannot list them again for five years. Previously, properties could remain listed on the Heritage Register indefinitely. Heritage Kincardine put extensive efforts into compiling the list on the Heritage Register and consider all the properties listed to have heritage value. To designate all 110 properties would have a significant cost, as well as staff and volunteer time to complete the processes. Heritage Kincardine is in full support of the Town of Grimsby's Resolution, and passed a resolution (copy attached), requesting The Municipality of Kincardine Council support the Resolution.

The Town of Grimsby Resolution supports the continuance of the Municipal Heritage Register in its current form, as a useful tool to recognize a property's heritage value, without the heavy burden of pursuing the designation process. They recognize that the Registry is a useful tool in preserving heritage of municipalities throughout the province.

The risk to the Municipality of Kincardine is the 110 buildings currently on the Municipal Heritage Register/Listing are left exposed and unprotected due to the shortened timeframe and lack of municipal resources.

Integrated Strategy 2020 – 2025: Enhancing Quality of Life – Support arts, culture, and heritage to enrich the lives of residents and attract visitors.

Financial Implications:

Estimated cost to designate a heritage property under Section 29 (1) of the OHA is \$1000.00 per property, plus staff and volunteer time.

Attachments: Town of Grimsby Resolution; Heritage Kincardine Resolution

Prepared by: Tracey Guy, Deputy Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk