



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: March 9, 2020

SUBJECT: Government of Ontario - Housing Affordability Task Force Report

Project: Report of the Housing Affordability Task Force

Background:

- The above task force established by the Ontario Government has released its 55 recommendations including a number that would specifically target heritage conservation initiatives in local municipalities. Overall, the full set of the 55 recommendations appear to support the removal of any policy, by-law, guidance document or process that in the minds of the Task Force interferes with the provision of housing.
- The key heritage-related recommendations:

12. Create a more permissive land use, planning, and approvals system:

- a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood*
- b) Exempt from site plan approval and public consultation all projects 10 units or less that conform to the Official Plan and require only minor variances.*
- c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements;*

16. Prevent abuse of the heritage preservation and designation process by:

- a) Prohibiting the use of bulk listing on municipal heritage registers*
- b) Prohibiting reactive heritage designations after a Planning Act development application has been filed*

17. Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.

- The response from two key provincial heritage organizations is attached.

Status/ Staff Comment

- Heritage Section staff have provided input into a report to Markham Council (Development Services Committee – March 7th) on this issue indicating that the recommendations related to the Ontario Heritage Act are not supported.
- **Recommendation 12a** appears to be an attack on any policy/process that supports the preservation of the physical character of an area and could impact heritage conservation districts/plans or cultural heritage landscape areas. It would mean that tools that afford protection of special areas that are unique within a municipality would not be possible. Intensification and protecting special areas are not mutually exclusive - intensification can be achieved while preserving character. Heritage conservation district plans contemplate growth and change in districts, such as additions, new construction and infill, and are not concerned with use or number of units. They provide a roadmap for the creation of new housing that also recognizes the unique sense of place that makes these neighbourhoods special.
- **Recommendation 12b** – would not allow a municipality to use Site Plan Control approval for low density development in heritage conservation districts. Markham currently requires all residential development in our heritage districts to secure Site Plan Approval which allows a site plan agreement and a financial security to ensure work is completed as per approved plans.
- **Recommendation 12c** appears to suggest that one universal, province-wide zoning by-law for development standards should be pursued ignoring that there are special areas within municipalities that are unique/special and are worthy of special care and retention. It also suggests that tools such as Site Plan Control be limited as to what it can address by removing the ability to require certain materials, textures, colours etc to be reflective of an area.
- **Recommendation 16** - staff does not believe that there is “abuse of the heritage preservation and designation process”, and the report does not provide clear evidence of widespread abuses that are impacting the provision of housing in Ontario.
- **Recommendation 16a** refers to prohibiting “bulk listing” (which is not defined anywhere) when adding properties to a municipality’s heritage register. As one heritage colleague has noted, this is a recommendation in search of a problem. The newly amended Ontario Heritage Act provides direction on future listing of property (post July 1 2021) - the owner will be notified and has the right of appeal to Council. The municipality also has to provide the owner with “a statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest”.

So called "bulk listing" is an expedient way for municipal heritage committees or staff to bring all recently researched properties forward for inclusion on a heritage register at the minimum expenditure of municipal council's time, particularly in larger municipalities. A comprehensive Register ensures that heritage staff and municipal heritage committees are involved in the planning process at the earliest possible stage to identify any heritage issues before a planning application is submitted.

The term "bulk listing" is not defined and thus could dangerously be misinterpreted as applying to the provisions of any future Part V heritage district.

- **Recommendation 16b** refers to not being able to proceed with the designation of a property once a Planning Act development application has been filed. Previously, in Markham, designation if required would be a condition of development approval and Markham would not initiate designation during the consideration of the planning application. The Ontario Heritage Act was recently amended to put time limits on when a notice of intention to designate can be initiated for certain “prescribed events” which are defined as Official Plan Amendment, Zoning By-law Amendment or a Plan of Subdivision (it has to be initiated in the first 90 days from notice of a complete application- Section 29 (1.2)). The municipality and the applicant can also agree to ignore the timeline. There is no reason to further amend the current legislation.
- **Recommendation 17** speaks to loss of property value as a result of designation and the need for compensation to private owners by a municipality. It is unclear as to how this addresses the affordable housing issue. It also ignores the fact the studies have found that designated properties hold or increase their value compared to similar non designated properties (Shipler). This type of policy would likely also put a freeze on any future designations in Ontario due to fear of a municipality having to offer compensation based on “the best economic use of the land”.

There are many examples in Markham and Ontario of successful redevelopments that dramatically increase the density and property value on a site while conserving valuable heritage resources.

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee receive the information on the heritage related recommendations from the Housing Affordability Task Force Report.

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Message from the Architectural Conservancy of Ontario



Housing Affordability Task Force Misses the Mark on Heritage

February 10, 2022

Architectural Conservancy Ontario response to Housing Affordability Task Force Report, Issued February 8, 2022

“The Housing Affordability Task Force overreached its mandate when it waded into discussions of heritage” says Diane Chin, ACO Chair. “The Task Force had neither representation or input from anyone with heritage experience. Their comments and recommendations on heritage policy were offside, ill-informed, and, if implemented, would have far-reaching and destructive consequences. They serve only to undermine the credibility of other proposals in the report.”

The report was commissioned by, and addressed to, the Minister of Municipal Affairs and Housing, not the Minister of Heritage, Sport, Tourism and Culture Industries, who is responsible for heritage administration in Ontario, hence any comments on heritage are misplaced.

Three heritage topics the report addresses are: obligatory payment to property owners for designation, municipal heritage listing practices, and prohibiting new heritage protections after a planning application has started. The first is not only impractical; it would mean disaster for Ontario’s almost 50-year-old heritage protection policy and process. The second issue is micromanaging, erasing years of work and successful heritage policies. The third issue has already been addressed by recent changes to the law in Ontario. These recommendations seem to derive from a few practices of Toronto and other GTA municipalities yet would apply across Ontario.

Ms. Chin continued “Heritage property gives communities their identity. That is so important for local pride and tourism. Heritage is not in the way of housing, there are so many great examples of heritage buildings, augmented, adapted and used for housing.”

Architectural Conservancy Ontario is the largest voice for heritage in Ontario, founded in 1933 with branches in 17 communities across the province. We would welcome a chance to be positive contributors to discussions on creating housing in Ontario, not just in new buildings and neighbourhoods but as infill in older areas. Our focus on our visits with MPPs during Heritage Week this year is Keep, Fix, Reuse.



For more information contact: Diane Chin President, president@acontario.ca or Will Coukell, Chief Operating Officer will@acontario.ca 416 367 8075

Community Heritage Ontario (CHO)



CHO - PCO
Community Heritage Ontario
Patrimoine communautaire de l'Ontario

February 16, 2022

Minister Steve Clark
Ministry of Municipal Affairs and Housing

Dear Mr. Minister,

Re: Task Force Report on Housing Affordability

Community Heritage Ontario (CHO), the association of municipal heritage committees which includes more than 700 community volunteers who give freely of their time to advise Ontario municipal councils on the conservation of community heritage resources, wishes to express its objection to the three heritage recommendations in the Task Force report.

At the outset, CHO views heritage designation under the *Ontario Heritage Act* as a way to manage, not prevent, change in a way which conserves heritage resources. Many of our committees are currently working with developers to accommodate increases in the housing stock in a way which is sympathetic to a property's heritage values. This increase in stock will help to address affordability issues. For example, the Aurora Council and its municipal heritage committee are working with a developer to add 35 housing units to one property currently containing a single detached house which is designated as part of a heritage conservation district and exists next to a national historic site as shown in the illustration below. So, in CHO's opinion, heritage designation is not an impediment to achieving more housing units that are affordable in the province, although it does require that developers think creatively and work constructively with the heritage community.



Aurora – 15365 Yonge Street – Development Proposal – March 2021.

Specifically, our objections are as follows:

1. Task Force Recommendation 16 (a):

*Prevent abuse of the heritage preservation and designation process by:
(a) Prohibiting the use of bulk listing on municipal heritage registers*

CHO objection:

This is an unnecessary recommendation.

CHO reason for the objection:

Whether the listing of a property in the heritage register is by bulk or individually, the effect is the same – inclusion as a listed property in the register only delays demolition for 60 days. As of July 1, 2021, each owner of property listed by the municipal council will be notified of Council's listing, whether it is in bulk or individually, and the owner will have the opportunity to object to the listing to the municipal council. In turn, the council must address the objection.

2. Task Force Recommendation 16 (b):

*Prevent abuse of the heritage preservation and designation process by:
(b) Prohibiting reactive heritage designations after a Planning Act development application has been filed.*

CHO objection:

This is an unnecessary recommendation.

CHO reason for the objection:

This issue has been addressed by the recent amendments to the *Ontario Heritage Act* proclaimed on July 1, 2021 and the corresponding regulation 385-21. Designation of a property under the *Act* may not occur once the municipality has given notice that a complete *Planning Act* application has been filed with the municipality.

3. Task Force Recommendation 17:

Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.

CHO objection:

This recommendation is unworkable, fails to recognize that there could be financial benefits to designation and, if implemented, will discourage municipalities from taking steps to conserve any heritage resources, except those which they own.

CHO reasons for the objection:

'Best economic use of land' is undefined in the report. This concept can vary through time. When is compensation to be paid - when the designation occurs or, years later when a new owner decides to redevelop the property? Best

economic use of land cannot be divorced from the policy context and the availability of infrastructure to support the use of the land, both of which can vary through time. As a result, this an amorphous concept that is unworkable in practice

Further, this recommendation assumes that heritage designation has only negative financial consequences. Yet, in studies of Ontario's heritage conservation districts, it was found that the values of properties in many districts increased in value more than comparable properties that were not in heritage districts¹. Furthermore, many municipalities in their official plans and zoning by-laws provide bonuses to only designated properties when being redeveloped, such a recognizing the floor area of designated building being conserved as being 'zero' when it comes to meeting zoning by-law requirements.

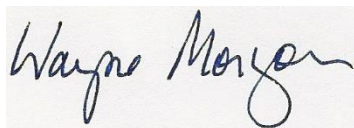
Finally, if an attempt is made to implement this recommendation, it will bring a halt to municipalities undertaking steps to conserve heritage resources as they will fear unknown compensation issues and potential litigation.

CHO alternative recommendation:

As alternative to this recommendation from the Task Force, CHO recommends that your Ministry encourage municipalities to include benefits to designated properties, such as reduction in floor area and reduction in levies as compensation for any costs incurred in conserving heritage resources in their official plans and zoning by-laws.

In summary, heritage conservation is not an impediment to achieving affordable housing in Ontario.

Respectfully submitted,

A handwritten signature in dark ink, reading "Wayne Morgan". The signature is fluid and cursive, with the first name "Wayne" and last name "Morgan" clearly legible.

Wayne Morgan
President, Community Heritage Ontario

cc. Minister of Heritage Sport Tourism and Culture
Industries
Ontario municipal heritage committees
Architectural Conservancy of Ontario
Ontario Association of Heritage
Professionals

¹ Heritage Conservation Districts Work - [Microsoft Word - HCD Study Final Report Summary - June 8th - FINAL \(uwaterloo.ca\)](#) & [Microsoft Word - HCD Study Final Report Summary Phase 2 - FINAL \(uwaterloo.ca\)](#)