



Report to: Development Services Committee

Meeting Date: April 2, 2024

SUBJECT: Recommendation Report, Proposed Amendment to the *Ontario Heritage Act*, Removal of Listed Properties from Register

PREPARED BY: Regan Hutcheson, Manager, Heritage Planning, Ext. 2080

REVIEWED BY: Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the staff report, dated April 2, 2024, titled "Recommendation Report, Proposed Amendment to the *Ontario Heritage Act*, Removal of Listed Properties from Register", be received;
- 2) THAT as per the Heritage Markham Committee recommendation attached as Appendix 'A' to this report, the Mayor or City Clerk be authorized to send this report and a letter to Doug Ford, Premier of Ontario, with copies to Michael Ford, Minister of Citizenship and Multiculturalism; Peter Bethlenfalvy, Minister of Finance; and John Ecker, Chair, Ontario Heritage Trust, requesting that Subsection 27(16) of the *Ontario Heritage Act* be amended to extend the deadline involving the removal of listed properties from a municipal heritage register for an additional five years from January 1, 2025 to January 1, 2030;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on a request to support an amendment to the *Ontario Heritage Act* (the *Act*) to extend the designation deadline of listed properties on municipal heritage registers for an additional five years.

BACKGROUND:

Provincial heritage organizations are seeking support for an extension to the upcoming deadline for delisting heritage properties

With the passing of Bill 23 on November 28, 2022, Subsection 27(16) of the *Act* stipulates that any non-designated heritage property listed on the municipal register of properties as of December 31, 2022, shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give notice of intention to designate the property under subsection 29(1) of the *Act* on or before January 1, 2025. Since January 1, 2023, municipalities across Ontario have been diligently working towards the following:

- a) review their municipal heritage registers
- b) research and evaluate the heritage value of listed (non-designated) properties
- c) contact owners of such properties

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- d) determine which properties should potentially be designated in accordance with the provisions of Section 29 of the Act
 - e) take all required steps to designate such properties

It has become clear that this work is extremely time-consuming and cannot be completed by December 31, 2024, with the number of affected properties and the limited resources available in most municipalities.

The Architectural Conservancy of Ontario (“ACO”) and Community Heritage Ontario (“CHO”) are extremely concerned about the impact this will have on the conservation of cultural heritage resources throughout the Province. This change affects some 36,000 listed heritage properties, according to the Ministry of Citizenship and Multiculturalism, in over 100 municipalities across the province. Both organizations request a five-year extension to the deadline to January 1, 2030, for these listed properties. The additional time would give municipalities the opportunity to better plan, resource, and undertake this complex exercise. The 2030 timeline would help municipalities ensure that properties are not “forced off the list” prematurely and without input from property owners.

Heritage Markham supports an extension of the deadline.

On February 20, 2024, Heritage Markham recommended to Council that the Mayor or City Clerk be authorized to send a letter to the Premier of Ontario, with copies to the Minister of Citizenship and Multiculturalism; the Minister of Finance; and Chair, Ontario Heritage Trust, requesting that Subsection 27(16) of the Ontario Heritage Act be amended to extend the current deadline for an additional five years from January 1, 2025 to January 1, 2030. (see Appendix ‘A’).

OPTIONS/ DISCUSSION:

An extension to the delisting deadline is supported

In response to the changes to the legislation, Markham introduced the Priority Designation Project in May 2023. Staff determined that just over 150 listed properties are threatened. However, this does not include the non-designated properties that are owned by the municipality or other levels of government, barns, and cemeteries that will have to be removed from the Markham Register at the end of 2024.

The City’s local project is tracking well with property designations thus far, but staff are aware of and acknowledge the challenges in many other municipalities that have had to address many more listed properties. Municipalities, large and small, are scrambling to review their registers and prioritize properties for designation or other protection. The staff/financial cost of research alone is enormous. The high number of properties that would have to fall off heritage registers throughout Ontario by next January 1, 2025, would be extremely detrimental for heritage conservation in the Province. Notwithstanding that Markham should have all its significant high and medium rated listed properties designated by year end, an extension to the deadline as is being advocated by ACO and CHO is supported.

FINANCIAL CONSIDERATIONS

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management Strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham Committee was consulted.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director of Planning and Urban Design

Arvin Prasad, RPP, MCIP
Commissioner of Development
Services

ATTACHMENTS:

Appendix 'A' Heritage Markham Extract

Appendix 'A'

**HERITAGE MARKHAM
EXTRACT**

Date: February 27, 2024

To: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM # 7.3 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON February 20,
2024

**7. PART FIVE - STUDIES/PROJECTS AFFECTING HERITAGE
RESOURCES - UPDATES**

7.3 COMMUNITY HERITAGE ONTARIO REQUEST

**PROPOSED AMENDMENT TO SUBSECTION 27(16) OF THE
ONTARIO HERITAGE ACT WITH RESPECT TO THE
REMOVAL OF LISTED (NON-DESIGNATED) PROPERTIES
FROM MUNICIPAL HERITAGE REGISTERS (16.11)**

File Numbers:

N/A

Regan Hutcheson, Manager, Heritage, advised that a request was received from Community Heritage Ontario, requesting that all municipal heritage committees pass motions through their Councils supporting an extension of the two-year limitation for properties on the heritage register to be designated. Mr. Hutcheson advised that Markham Heritage Section Staff is tracking well with property designations thus far, but noted that the high number of properties that could fall off heritage registers throughout Ontario would be extremely detrimental for heritage conservation and would not be a good news story for the Province.

Recommendation:

Whereas Subsection 27(16) of the Ontario Heritage Act stipulates that any non- designated heritage property listed on the municipal register of properties as of December 31, 2022 shall be removed from the municipal register on or before January 1, 2025, if the council of the municipal does not give a notice of intention to designate the property under subsection 29(1) of the Ontario Heritage Act on or before January

1, 2025; and,

Whereas since January 1, 2023, communities across Ontario have been diligently working to: review the municipal heritage register; research the heritage value and interest of listed (non-designated) properties; review and research the heritage value and interest of non-designated properties; contact owners of such properties; determine which properties should potentially be designated in accordance with the provisions of Section 29 of the Ontario Heritage Act; and take all required steps to designate such properties; and,

Whereas it is becoming apparent that the above-noted work is extremely time-consuming, costly and will not be completed by most municipalities by December 31, 2024;

NOW THEREFORE BE IT RESOLVED THAT:

Heritage Markham recommends to Council that the Mayor or City Clerk be authorized to send a letter to Doug Ford, Premier of Ontario, with copies to Michael Ford, Minister of Citizenship and Multiculturalism; Peter Bethlenfalvy, Minister of Finance; and John Ecker, Chair, Ontario Heritage Trust, requesting that Subsection 27(16) of the Ontario Heritage Act be amended to extend the above-noted deadline for five years from January 1, 2025 to January 1, 2030.

Carried