



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: June 12, 2024

SUBJECT: Legislation
Changes to the Ontario Heritage Act, Bill 200 (Schedule 2)
Removal of Listed Properties from a Heritage Register

Topic: Provincial Government – Ontario Heritage Act- Changes to Legislation

(please note that when this item was added to the Heritage Markham Agenda, staff was seeking feedback on the proposed legislation. The legislation was approved on June 5th).

Background:

- At the request of the Architectural Conservancy of Ontario (ACO) and Community Heritage Ontario (CHO) and supported by Heritage Markham Committee, Markham Council recently provided comments to the provincial government regarding the changes made to the **Ontario Heritage Act** (OHA) in 2022 as part of **Bill 23, More Homes Built Faster Act, 2022**.
- Bill 23 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**. Properties removed at this time cannot be relisted for five years.
- Since January 1, 2023, municipalities across Ontario have been diligently working to meet this deadline, including Markham with its Priority Designation Program.
- Earlier this year, Markham Council along with many municipalities (and organizations such as CHO and ACO) requested an amendment to the OHA in the form of a five-year extension to the designation 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.
- In response, on **May 27th**, the provincial government introduced **Bill 200 (Schedule 2), Homeowners Protection Act, 2024** which proposed further amendments to the OHA extend the initial two-year period to address listed properties for an additional two years

to give municipalities until **December 31, 2026** to issue a notice of intention to designate the property or otherwise have them removed from the municipal heritage register. The government also introduced changes to prevent municipalities from voluntarily removing listed properties from their heritage register with the intention to reintroduce them later.

- The legislation was posted on the Environmental Registry of Ontario (ERO) seeking comments up until **June 26**.

Status/ Staff Comment

- On June 5th the Province passed this legislation before the commenting period ended on the ERO, and the legislation received **Royal Assent on June 6th** (ten days after being introduced).
- The legislation is now in force.
- Notwithstanding the change in legislation, Markham Staff will continue to proceed with the City's Priority Designation Program (property research and proposed designations) in 2024.
- The additional time now provided by the recent amendment will allow our staff to consider those listed properties which were not identified as a high/medium priority for designation (during the 2023-2024 deadline period) as well as those properties that were excluded from the program because they were owned by governments, agricultural buildings, and cemeteries.

Suggested Recommendation for Heritage Markham

That Heritage Markham receive the information on legislative changes to the Ontario Heritage Act adopted through Bill 200 (Schedule 2) concerning an extension of the designation deadline and the removal of listed properties from a heritage register.

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