



**Report**  
**Staff Report**  
 The Corporation of the City of Brampton  
 12/9/2024

**Date:** 2024-11-18

**Subject:** **Updates to the Heritage Register and related matters as a result of Implementation of Provincial Bills 23 and 200.**

**Contact:** Charlton Carscallen, Principal Planner/Supervisor (Heritage),  
Integrated City Planning

**Report number:** Planning, Bld & Growth Mgt-2024-568

**RECOMMENDATIONS:**

1. That the report from Charlton Carscallen, Principal Planner/Supervisor (Heritage), Integrated City Planning, to the Planning and Development Committee Meeting of December 9, 2024, re: **Updates to the Heritage Register and related matters as a result of Implementation of Provincial Bills 23 and 200**, be received;
2. That staff develop and implement a public consultation plan Strategic Communications regarding bills 23 and 200 and Heritage Conservation and property Designation that focuses on the greater downtown area.
3. That following the consultation, Staff will report back to Council to initiate a program of Designation of Heritage Properties for Council's consideration under Part IV of the Heritage Act for properties identified in Attachments A and B;
4. That staff be directed to investigate the implementation of the Heritage Incentive Tax Rebate as identified in Section 365.2 of the Planning Act and to report back to Council by Q2 2025; and
5. That the Paul Willoughby Heritage Incentive Grant be increased to a maximum of \$25,000 from the current limit of \$10,000 effective Q1 of 2026

**OVERVIEW:**

**The report provides details of actions required to address the status of Listed properties on the city's Heritage Register as a result of changes to the Heritage Act through Bill 23 (the More Homes Built Faster Act) and Bill 200 (the Homeowner Protection Act).**

**Under Bill 23, all properties that were already included on municipal Heritage Register as Listed properties on January 1, 2023 must have a Notice of Intention to Designate (NOID) issued by December 31, 2027 or be removed from the Register. Any property that does not have a NOID issued by the deadline will automatically be removed from the register and cannot be brought back for five years.**

**Through a consultant assignment staff have identified a group of Listed properties from across the greater downtown that are recommended for immediate Designation. Additional properties may be added to the list at a later date.**

**Prior to commencing the process of Designation, staff will conduct public consultation that includes the owners of the properties identified through the consultant assignment as well as residents of the broader downtown.**

**To provide support and encouragement to property owners whose properties are recommended for Designation, staff are recommending that the City investigate implementation of the *Tax Reduction for Heritage Property* as provided for in Section 365.2 of the Municipal Act.**

**There is no direct financial impact resulting from the adoption of the recommendations in this report. Any additional funding requests will be included in future budget submission and presented to the Mayor for his consideration.**

## **BACKGROUND:**

In the fall of 2022, the Province of Ontario passed Bill 23, known as the *More Homes Built Faster Act*. Among the many legislative changes included with Bill 23 were important revisions to the Heritage Act and its regulations, notably Ontario Regulation 9/06 (O. Reg. 9/06).

The changes to the Act and Regulation focus on two main areas:

1. Changes to how a Heritage Register is managed by a municipality, including how properties are added and,
2. Changes to the timing of various steps in the Heritage Designation and Listing process relative to the development application process.

Under the Bill 23 changes to the Heritage Act, properties that were included on the Register as Listed properties on January 1, 2023, would have required a Notice of Intention to Designate (NOID) issued by December 31, 2024. If the NOID was not issued by December 31, 2024, the property would automatically be dropped from the Register and could not be re-Listed for 5 Years where there is a development

application. If the City does not take pro-active action, we will lose the ability to control and manage heritage conservation in the most sensitive part of the city – the Downtown Core.

Recently, the Province passed Bill 200, the Homeowner Protection Act. Under Bill 200, the timeline for Municipalities to address the Listed properties in their register has been extended to January 1, 2027.

The Brampton Heritage Register currently includes 375 Listed properties.

Prior to the implementation of Bill 23, staff had commenced a consultant assignment preparing an update to the Heritage Register. Following the announcement of Bill 23, the consultant assignment was revised to specifically address the requirement to complete the formal assessments under O. Reg 9/06 and issue a NOID for Listed properties the City wishes to Designate before January 1, 2025. With this timeline extended under Bill 200 as noted, staff are able to incorporate a public engagement step in early 2025

The Consultant Assignment has resulted in the development of a list of 65 high-priority properties that are recommended for Designation (see Attachments A and B). These properties were selected on the basis of heritage value and to avoid conflict with currently planned development and intensification.

## **CURRENT SITUATION:**

### **Heritage Register Update**

Staff are engaged in completing the update to the Heritage Register as required under Bill 23, the *More Homes Built Faster Act* and as clarified through Bill 200 *The Homeowner Protection Act*. This has included a review of all 375 properties currently included on the Brampton Heritage Register as Listed properties. Under the requirements of Bill 200, the City has until January 1, 2027 to issue a Notice of Intention to Designate (NOID) for any currently listed properties that we seek to conserve through Designation.

The process of reviewing the Register and addressing the new Heritage Act requirements will be done in phases. However, as an initial step, a group of 65 properties has been recommended for immediate Designation. Consideration for inclusion on the list is based on the following criteria:

1. Material integrity of the structure and property,
2. Level of historic/archival information available,
3. Risk factors – sensitivity to development,
4. High potential to meet two or more criteria under Ontario Regulation 9/06 - *Criteria for Determining Cultural Value or Interest*.

The preliminary list of properties recommended for designation is included in Attachment A. Mapping showing the location of the recommended properties is included in Appendix B. This property list and mapping was reviewed by Development Services staff to balance known development interests with the listed heritage resources.

As part of the review of the Register, a group of 35 properties has been removed from the Register as they had either been demolished or lost to fire. Staff continue to review the Listed properties in the Register to confirm suitability for Designation or De-Listing.

### **Public Consultation**

The province's legislative changes have significant implications for how the City will approach the conservation of heritage resources both within downtown and across all of Brampton. This being the case, it is critical that the public be provided the opportunity to be engaged and provide input into both the identification of properties that should be conserved and the overall vision for heritage conservation going forward. Given the need to meet the province's deadline for updating the Heritage Register, staff would seek support of an experienced consultant to prepare and implement an engagement plan.

Staff will complete the consultation process by the end of Q1 2025 and report back to Council on the outcomes prior to commencing the Designation process.

### **Support for owners of Designated heritage properties**

Staff has identified two measures for consideration, which would serve to support and encourage property owners whose properties are recommended for Designation:

1. investigate implementation of the *Tax Reduction for Heritage Property* as provided for in Section 365.2 of the Municipal Act, and
2. increase to the eligible amount for the *Paul Willoughby Heritage Incentive Grant*.

### ***Tax reduction for Heritage Property***

Section 365.2 of the Municipal Act allows municipalities to offer a tax reduction to owners of Designated heritage properties to support them in maintaining and conserving their properties as a benefit to the overall community. Under the program, municipalities can pass a by-law to establish a local program to provide a property tax rebate from 10 per cent to 40 per cent relative to the portion of the property that contributes heritage value. To be eligible, properties must have been designated under Part IV (individual) or Part V (Heritage Conservation District) of the Ontario Heritage Act and subject to a heritage easement or conservation agreement.

The Province reimburses the municipality for the school portion of the property tax reduction.

### ***Paul Willoughby Heritage Incentive Grant***

The City currently offers a Heritage Incentive Grant to owners of Designated properties to help with the cost of upkeep of a heritage property. This is a matching grant whereby the city provides a grant to the property owner equal to 50% of costs for a project to a maximum of \$10,000. The Grant is specifically intended for use for repairs and restoration work for the identified heritage attributes of the property. Most often, grants are provided for brick and chimney repairs, roofing repairs including eaves and soffits, stonework and replacement/repair of wooden windows and doors.

Through a discussion with the Heritage Board, it has been proposed that the value of the grant be increased from \$10,000 to \$25,000 commencing in 2026. In addition to the increase in the value of the grant, staff are recommending that the items eligible for the grant be expanded to include specific items that are not heritage attributes.

Under the current structure, property owners can only apply for the grant once every two years. This restriction would remain in place as only the value of the grant would change.

### **CORPORATE IMPLICATIONS:**

#### **Financial Implications:**

There is no direct financial impact resulting from the adoption of the recommendations in this report. Any additional funding requests will be included in future budget submission and presented to the Mayor for his consideration.

#### **Communications Implications:**

A Communications Plan will be developed with Strategic Communications to make the public aware of the implications of Bill 23 and 200 on neighbourhood character and heritage resources. Given the concentration of heritage resources the focus of this engagement will be on the downtown.

As a part of the public engagement, owners of Listed properties will be advised on the reasons, benefits and process of Designating their properties including when their properties are being presented to the Heritage Board for Designation. Information and opportunities will also be outlined around increased financial support via the Paul Willoughby Heritage Incentive Grant and a potential Tax Reduction for Heritage Property program. This will include details of the program including eligibility and the application process.

## **STRATEGIC FOCUS AREA:**

### **Government and Leadership**

The Update to the Heritage Register has been mandated through provincial legislation that requires municipalities to take specific action with regard to their Register of Listed and Designated properties. These legislative changes impose specific timelines to complete the work. The Designation program that is recommended in this report is a substantial step on the way to addressing the requirements of Bills 23 and 200.

### **Growing Urban Centres and Neighbourhoods:**

Heritage is a key element in creating a sense of place, community and shared identity. It is also a connecting point for newcomers to help them understand and appreciate the nature of the new community they are adopting as their own. Continued support for heritage conservation, within the context of increasing urban density, will help create the walkable, human scale environment the city is seeking while working to meet our goals in creating housing. Heritage is part of City Building.

## **CONCLUSION:**

Further to the requirements of the Province of Ontario's Bills 23 and 200, staff are seeking an overall direction from Council regarding heritage conservation in the context of ongoing transformation of the greater downtown. Staff are recommending a three-step approach that includes public engagement, the identification and evaluation of a preliminary list of 65 properties across the broader downtown that should be considered for Designation and consideration of increased support for owners of Designated properties through an increase to the maximum value of the Paul Willoughby Heritage Incentive Grant exploration of the implementation of the Heritage Property Tax Reduction under Section 365.2 of the Municipal Act. Together these initiatives will help address the requirement to complete the update to the Heritage Register by January 1, 2027

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**Attachments:**

- Attachment 1 – Preliminary List of Properties Recommended for Designation
- Attachment 2 – Map of Location of Recommended Properties