



Bill 23 and the Ontario Heritage Act

December 13, 2022



Overview

- Bill 23 is known as the More Homes Built Faster Act.
- It is a large, omnibus bill that proposes significant changes to several pieces of legislation including the Ontario Heritage Act
- Staff Presentation made to Council November 23rd regarding Bill 23
- Comments from the City shared with the Minister of Municipal affairs and Housing
- Bill passed on November 28, 2022

Key Proposed Changes to Heritage Act

For individual properties:

- Inclusion of a property on the register as a Designated Property will require that it meet two criteria under Ontario Regulation 9/06
- Inclusion of a Property on the Register as a Listed property requires that a 9/06 evaluation be completed and it must meet at least one criteria.
- After the date when the Act comes into effect, a property must be Listed before it can be designated.
- The designation process would “freeze” once a prescribed event occurs. Municipalities would not be permitted to issue a notice of intention to designate a property unless the property is already on the register when the current 90 day requirement for applications is triggered.

Key Proposed Changes to Heritage Act

- Criteria will be developed for the evaluation of Heritage Conservation Districts similar to O. Reg. 9/06.
- Municipalities will be required to make an up-to-date version of the information on their municipal register available on a publicly-accessible municipal website.
- Allow property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register regardless of when it was added to the municipal register.

Key Proposed Changes to Heritage Act

- If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the property would have to be removed from the municipal register.
- Non-designated properties currently included on a municipal register would have to be removed if council does not issue a notice of intention to designate (NOID) within two years of the amendments coming into force.
- Those included on the Register after the Act comes into effect would also be removed after two years if no NOID is issued.
- If removed from the register under any of the above three circumstances, the property cannot be relisted for a period of five years

Key Proposed Changes to Heritage Act

- MCM is proposing to increase rigour in the process of identifying and protecting heritage conservation districts (HCD) by requiring municipalities to apply prescribed criteria to determine an HCD's cultural heritage value or interest. This would include a requirement for HCD plans to explain how the HCD meets the prescribed criteria.
- MCM is also proposing to introduce a regulatory authority to prescribe processes for municipalities to amend or repeal existing HCD designation and HCD plan bylaws.

Key Proposed Changes to Heritage Act

- “MCM is proposing that it may create enabling legislation to permit the Minister...to review, confirm and revise, the determination of cultural heritage value or interest by a ministry or prescribed public body respecting a provincial heritage property.”
- “MCM is proposing to introduce an enabling legislative authority so the Lieutenant Governor in Council (LGIC) may provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the S&Gs in respect of a particular property, if...such exemption could potentially advance one or more of the following provincial priorities: transit, housing, long-term care and other infrastructure or other prescribed provincial priorities.”

Thank you!

