

Ontario Heritage Act Changes

Heritage Guelph

September 13, 2021

Purpose

Provide further details on the changes to the Ontario Heritage Act regarding the listing and designation of properties.

The information provided in this presentation was provided by the Ministry of Heritage, Sport, Tourism and Culture Industries in June 2021.

New Requirements for listing non-designated properties on the Register

Notification

Council is now required to notify a property owner within 30 days of adding their non-designated property to the municipal register.

The notice must include:

- A statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest.
- A description of the property that is sufficient to readily ascertain the property.
- A statement informing the owner of their right to object to their property's inclusion
- An explanation of the restriction concerning the demolition or removal of a building

The requirement for notification of inclusion on the register only applies to properties that are included on the register beginning July 1, 2021.

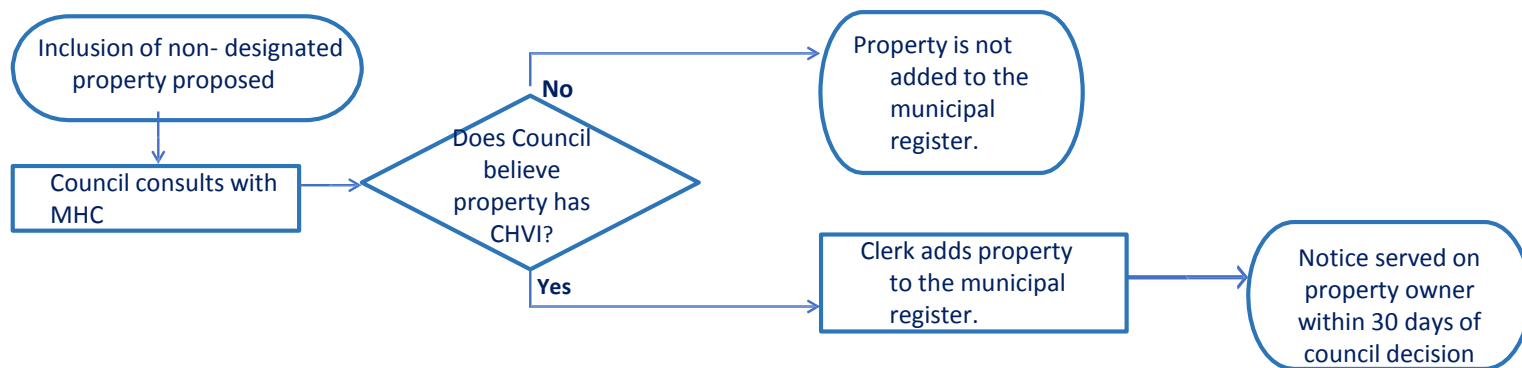
New Requirements for listing non-designated properties on the Register

Objection

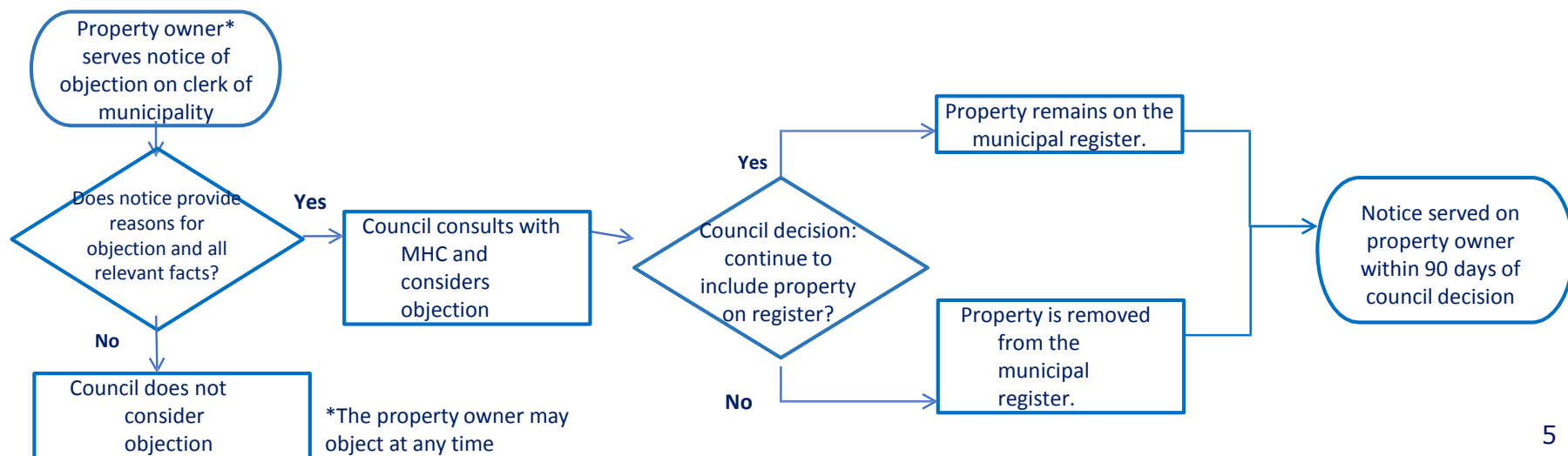
- An owner has the right to object to their non-designated property being included on the municipal register.
- Notice of their objection must be served on the clerk. Within 90 days of the objection, council must provide the owner with their decision as to whether or not the property should remain on the register.
- An owner's opportunity to object is not limited to when the property was first included on the register. It can happen at any time, by any owner of the property.

The objection process can be used by the owner of any non-designated property included on a municipal register on or after July 1, 2021.

Adding a non-designated property to the Municipal Register of Heritage Properties (Section 27 (3)-(6) of the Ontario Heritage Act)



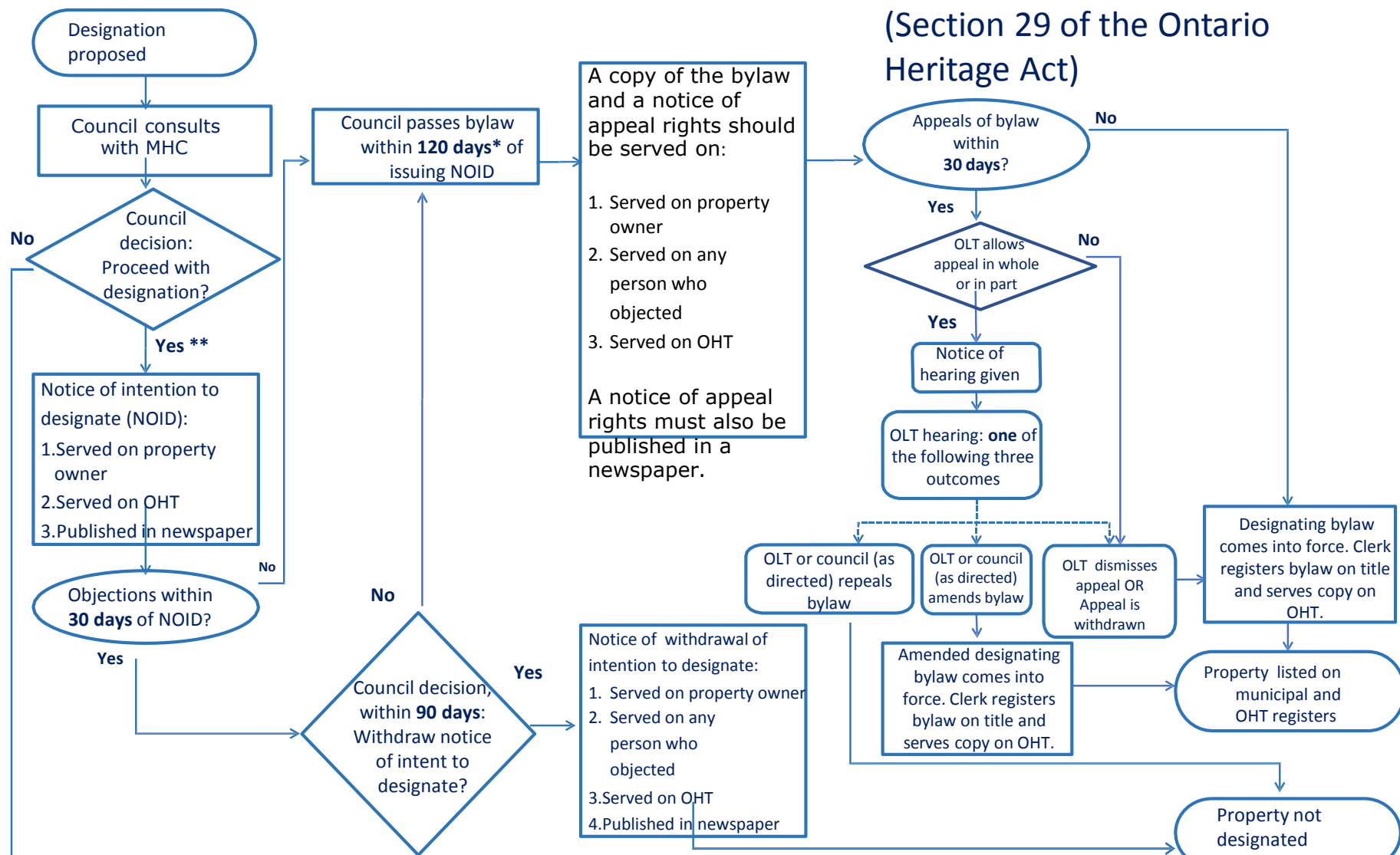
Considering an objection to a property being included on the Municipal Register under Subsection 27 (3) (Section 27 (7)-(8) of the Ontario Heritage Act)



Designation: New process for objection to Council

- The amendments to the OHA established a new process that allows for objections to be heard by council following issuance of a NOID.
- Objections must be made to the clerk within 30 days of the date the NOID was published in a newspaper.
- Council is required to consider any objections it receives in making its final decision to either withdraw the NOID or pass the designation by-law.
- This opportunity to object to council applies to new designations, proposals to amend a designation by-law, and proposed repeal of a designation by-law, both where it is initiated by council or where the owner applies for repeal.

Designation by Municipal By-law (Section 29 of the Ontario Heritage Act)



** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.

*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.

Thank you