

Advisory Committee of Council Information Report



Committee	Heritage Guelph
Date	Thursday, July 3, 2025
Subject	Official Plan Update – Cultural Heritage Policies

Executive Summary

Purpose of Report

The purpose of this report is to provide information and to collect feedback from the Heritage Advisory Committee related to proposed cultural heritage policy changes associated with Official Plan Update Phase 1. Planning staff are preparing Phase 1 of the Official Plan Update. Updates to the cultural heritage policies of the Official Plan are part of phase 1 and are intended to reflect changes to the Provincial Planning Statement, 2024 (PPS, 2024, previously the Provincial Policy Statement, 2020), and the Ontario Heritage Act. In addition, a goal of the updates to the cultural heritage policies is to improve understanding of use of the policies by City of Guelph Council, Heritage staff, the development community, and members of the public. City planning staff are currently preparing an Official Plan Amendment to be presented to City of Guelph Council in October 2025. A Decision Meeting of Guelph Council is planned for January 2026.

Key Findings

- Changes from the PPS, 2024 and the Ontario Heritage Act will require updates to the cultural heritage policies of the Official Plan through an Official Plan Amendment that requires City of Guelph Council approval;
- The current update process is an opportunity to improve the overall structure of the cultural heritage policies; and
- The proposed changes to the cultural heritage policies and definitions will ensure conformity and consistency with provincial legislation, regulations, and policies which is a provincial requirement and make the policies easier to understand.

Strategic Plan Alignment

The Official Plan Update contributes to the theme of City Building and the objective of improving housing supply. The Official Plan Update is being completed to implement direction from the Province on Bill 23 and other legislation, and to implement the Cultural Heritage Action Plan to conserve our cultural heritage resources, which are supporting actions 6.1.3. and 6.1.4. respectively of the Strategic Plan.

Future Guelph Theme

City Building

Future Guelph Objectives

City Building: Grow and care for our community space and places

Financial Implications

None.

Report

Project Background

The Ontario Heritage Act, 1990 is the governing legislation for municipal heritage planning in the Province of Ontario. The Ontario Heritage Act, 1990 allows municipalities to designate individual properties and districts as being of cultural heritage value or interest, which offers protections for identified heritage attributes. The Official Plan is the City's main policy document to guide land use planning. It sets out a vision, guiding principles, strategic goals, and objectives to manage development. It also sets out high level policies and direction for implementing more specific policy and regulatory tools, such as through the Zoning By-law. Municipalities are required to maintain Official Plans as a requirement of the Planning Act. However, the Official Plan includes policies that speak to any legislation that impacts land use planning and development, including the Ontario Heritage Act.

In July 2022, the City of Guelph adopted its last comprehensive review of the Official Plan (known as OPA 80) which was approved with modifications by the Ministry of Municipal Affairs and Housing on April 11, 2023. Since that time, the Province of Ontario has made changes to the Ontario Heritage Act, 1990 through Bill 23, More Homes Built Faster Act & Bill 200, Homeowner Protection Act.

In October 2024, the Province released a new Provincial Planning Statement, 2024 (PPS, 2024) which is a province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. It is a requirement that all planning decisions and official plans must be consistent with the PPS, 2024. As such, the City of Guelph is updating the Official Plan to be consistent with the PPS, 2024 which includes definition changes, policy changes, and mapping changes.

The City of Guelph is now updating its Official Plan to conform with changes to provincial legislation, regulations, and policies. The current phase of the update is intended as a consistency exercise – the updates to the Official Plan are administrative in nature and are required by the Province of Ontario. Future phases will address more substantial changes, and further updates related to the City's Master Plans. Updates to cultural heritage policies in the Official Plan contemplated in the current phase of work will include updates to the defined terms, reorganizing and consolidating policies, updates to be consistent with the Provincial Planning Statement, 2024 (PPS, 2024), and general updates to improve structure and usability of the Cultural Heritage section.

Explanation of Changes to the Ontario Heritage Act

While the current phase of the Official Plan Update addresses policies throughout the Official Plan, the most significant proposed changes to the Official Plan will be in the section concerning Cultural Heritage. This section enacts provincial requirements from the PPS, 2024 and the Ontario Heritage Act, as well as City priorities. Bill 23 received Royal Assent on November 28, 2022, and introduced significant changes to the Ontario Heritage Act. Those changes are not yet reflected in the Guelph Official Plan. Previously under the Ontario Heritage Act, individual properties could be included on the Heritage Register either as a Designated Heritage Property, which is implemented through a designating by-law and protects heritage attributes from incompatible development, or listed without designation, whose only protection was to require notice to Council prior to applications to develop or demolish a listed property. Listed properties could remain on the Heritage Register indefinitely without designating them. Generally, listed properties have been considered as a more flexible form of heritage protection that provided an inventory of municipal properties with heritage value. This approach also gave the City an opportunity to designate properties proposed for demolition or development.

Bill 23 changes to the Heritage Act also put a time limit on how long a listed property can remain on the Heritage Register. If a listed property is not designated within two years of being listed on the Heritage Register, they are removed from the Heritage Register. If they are removed from the Heritage Register, the property may not be re-listed for the following five years. In addition, properties may not be designated in response to Planning Act applications to develop or demolish the property unless they are listed on the Heritage Register. To address this change, the proposed changes to the Official Plan will reframe listed, non-designated properties as **candidate heritage properties**, with the intent of only listing properties that are being prioritized for designation.

Updates to Defined Terms

An additional consideration of any proposed changes is to ensure regard, clarity and consistency with the Ontario Heritage Act, the PPS, 2024, and the Official Plan. The PPS, 2024 introduces many changes to the definitions of cultural heritage terms. The changes to the PPS, 2024 definitions on their own are straightforward. However, due to how the terms relate to each other, the requirements of the Ontario Heritage Act, and how the Official Plan must conform to all provincial requirements, these changes necessitate revisions to many related terms and policies in the Official Plan.

The current Official Plan glossary defines some terms differently than how they would be used in regular speech, and where those terms are used in policy it's not always clear if the intent is to use the definition or the vernacular meanings. This becomes complicated when those terms are either specifically defined in the PPS, 2024 (such as **conserved**), or refer to a set of criteria in the regulations (the Ontario Heritage Act criteria for designating heritage properties is O.Reg.9/06: Criteria for Determining Cultural Heritage Value or Interest). Wherever possible, the glossary terms in the Official Plan are proposed to be the same as they are defined in the PPS, 2024 and the Ontario Heritage Act. Other changes in the glossary are

proposed to complement the Province's language, to ensure that where a term in the Official Plan might have multiple meanings in the Province's legislation and regulations, it is clear what provincial requirement that term is referencing.

For instance, the term **built heritage resource** was previously defined in the PPS, 2020 as:

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

The PPS, 2024 made a change to remove reference to the Ontario Heritage Act:

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

The intent of the PPS, 2024 change was that a **built heritage resource** is not limited to designated properties. However, within the Official Plan glossary, the term **cultural heritage value** continues to tie **built heritage resource** to the requirements for designating a property under the Ontario Heritage Act. In the current Official Plan, **cultural heritage value or interest** is defined as the criteria for designating a heritage property under the Ontario Heritage Act, according to the Regulations (O.Reg 9/06). This term is being considered for removal from the Official Plan glossary.

Having clear terms can make the interpretation of policy far more intuitive, especially when there are several provincial Acts that use similar language for overlapping concepts. Many proposed changes will be with the intent of ensuring that there are clear distinctions between concepts. An example of overlapping and nesting terms and concepts starts with **protected heritage property**. According to the PPS, 2024, **protected heritage property** is an umbrella concept that means property that is protected by any one of a wide range of municipal, provincial, federal, and international cultural heritage protections or identifications. This term includes both **Designated heritage Property**, which is defined in the Official Plan to include properties designated under Part IV of the Ontario Heritage Act, and a **heritage conservation district**, which is defined in the Official Plan in reference to Part V of the Ontario Heritage Act. The term **heritage conservation district** includes a **cultural heritage landscape**, which is defined in the PPS, 2024 but does not need to be designated under the Ontario Heritage Act, meaning that a **cultural heritage landscape** may or may not be a **protected heritage property**.

Proposed Changes to the Official Plan

A range of changes are being considered for the cultural heritage policies of the Official Plan. Several themes for updates and changes are proposed and are identified below:

- References to where Heritage Guelph is to be consulted will be consolidated into one policy section to reflect the legislated requirements of the Heritage Act, and the terms of reference for the committee. This is intended to make it easier to identify when the committee should be involved in certain approvals processes.
- The term “candidate heritage property” is proposed to refer to properties that are listed in the Heritage Register but not designated. This term was chosen to reflect the intent of the changes from Bill 23. Candidate heritage properties are intended to be a temporary first step towards designation, not permanent protection.
- Removal of policy references that may no longer be applicable under provincial legislation. The reference to the Couling Building Inventory works well when the Heritage Register can maintain non-designated properties indefinitely, but this approach is no longer appropriate when properties cannot remain listed and un-designated. The inventory may be a resource in support of designating by-laws, but its inclusion in the Official Plan here may divert focus from other priority properties.
- The policies around Heritage Trees will be proposed to be revised to clarify that they can be the sole heritage attribute on a property, contributing to a designation. This change will make it easier to protect those trees as it is stated that they can attain the same protections under Part IV of the Heritage Act as built heritage resources.
- Proposed new policies will reference the Cultural Heritage Action Plan (CHAP), to ensure that the priorities of the CHAP are considered in future heritage conservation district studies.

A complete list of draft proposed changes will be available on a HaveYourSay webpage in Fall and presented to Council at the October 15 Council Planning Meeting as a Statutory Public Meeting, as required by the Planning Act.

Financial Implications

None.

Consultations

City Staff will be conducting an in-person Public Open House on July 7th, from 4:00pm-6:00pm, a virtual Public Open House on July 8th from 6:00pm-8:00pm. Information about this project and opportunities for future consultation will be posted on a HaveYourSay page. A Statutory Public Meeting is required and planned for October 15th. There will be an opportunity to provide comments following the statutory public meeting before decision. If this committee would like an update, Staff can return to consult with this committee in November.

Attachments

Attachment-1: Official Plan Update-Presentation to the Heritage Advisory Committee

Departmental Approval

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