



SMITHS FALLS

RISE AT THE FALLS

May 31, 2019

Via Email to lorraine.dooley@ontario.ca

Lorraine Dooley
Ministry of Tourism, Culture and Sport
401 Bay Street, Suite 1800
Toronto, ON M7A 0A7

Dear Ms. Dooley:

Re: Bill 108- Proposed Changes to Ontario Heritage Act

Thank you for providing us the opportunity to comment on the proposed changes to the *Ontario Heritage Act*. The Smiths Falls Municipal Heritage Committee is a duly appointed body under Section 28 of the *Act* that is tasked with providing advice and recommendations to Council on heritage-related issues, to promote heritage conservation within the municipality, and to advise Council and the community on individual properties and districts of heritage and cultural significance. As representatives of a town of roughly 9,000 people that is seeing unprecedented economic growth resulting from new industrial development in town, we can see and appreciate within our own community the rationale behind the government's desire to facilitate residential development.

The Committee has reviewed the changes to the *Ontario Heritage Act* through Bill 108. While we support in principle the notion that heritage decisions and the processes leading to them should be predictable, efficient and accountable, we caution that these should not dilute or otherwise inhibit a municipality from protecting heritage resources that it deems are in the municipal interest.

The Provincial Policy Statement (2014), which guides all land use and development decisions in the province directs that "*Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved*" (Sec. 2.6.3). The preservation of heritage resources contributes to a livable community and establishes a "pride of place", which is one component of creating a complete community. In conjunction with creating opportunity for new housing, decision makers are also tasked with incorporating the housing into a sustainable and livable community that is an attractive place to live, play, work and do business. The Smiths Falls Municipal Heritage Committee feels very strongly that the promotion of housing opportunity, economic development and heritage conservation are not mutually exclusive goals and that history has shown these are in fact quite complementary.

With all of the above in mind, we respectfully offer the following feedback:

- We do not take issue with the proposed requirement to notify property owners upon the listing of a property of interest. As a matter of good faith and good practice our



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Committee chooses to notify affected property owners beforehand in order to enable dialogue.

- We support the inclusion of various timelines in the process of designation to establish a greater degree of certainty in the process. We share however the concerns of Community Heritage Ontario that a 90-day timeline for municipalities to issue a notice of intention to designate will be challenging for smaller municipalities such as ours who may have limited resources at our disposal to undertake the research and other necessary work within that timeframe.
- We note that Bill 108 proposes to make decisions regarding designations to be appealable to the LPAT and that such decisions are binding, which is a change in current practice of the Conservation Review Board making recommendations to municipal councils. Our concern with this approach is that it takes the decision-making authority out of the hands of the elected officials who best know the built values of their communities. Just as importantly, we recognize that the LPAT is a body that adjudicates on a wide variety of matters across many disciplines. Regardless of whether LPAT has an approval or advisory role we believe it is essential that members of the Tribunal hearing such appeals have a thorough grounding in heritage conservation principles and practice.
- Bill 108 proposes to implement many of the functional changes to the *Act* in future regulations that are not yet known. Some of these to-be-prescribed matters, particularly as noted in the new Sec. 26.0.1 (Principles of decision making), are of critical interest to Council in exercising its authorities under the Act, however we have no idea what these mean at this point and how they may (or not) affect our ability to conserve our local heritage resources. The Committee strongly endorses Community Heritage Ontario's request that when the regulations are drafted "there be a transparent and robust public consultation process on the proposed regulations so that municipalities have at least 90 days to comment on the proposals."

Once again, we appreciate the opportunity to provide our feedback and hope that this perspective is helpful in assessing this legislation moving forward. Please continue to advise the Town of Smiths Falls and the Municipal Heritage Committee of any updates to this process, or whether we can be of further assistance.

Sincerely,

Dorothy Hudson, Chair
Smiths Falls Municipal Heritage Committee

Karl Grenke, MCIP, RPP
Senior Planner and MHC Staff Liaison