

OAHP/CAHP Submission

Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022

The Ontario Association of Heritage Professionals (OAHP) in partnership with its parent organization, the Canadian Association of Heritage Professionals (CAHP), respectfully submits the following comments related to the Proposed Changes to the *Ontario Heritage Act* and its regulations: *Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022*. Our organization represents more than 400 heritage professionals living and working in the province of Ontario, the majority of whom are actively involved in countless development and revitalization projects in both the public and private sectors.

OAHP is a Chapter of CAHP, a national professional organization that serves qualified heritage professionals in the public, private and not-for-profit sectors. CAHP establishes standards of practice, shares knowledge about heritage conservation, and supports the involvement of heritage professionals whenever places of heritage value are being identified, preserved, restored and rehabilitated. As part of its mandate, the organization also fosters and promotes public and legislative support for heritage conservation.

Our submission is based on input from our membership as these changes will have a direct impact on their work as heritage professionals. We have provided comments on the proposed changes to the *Ontario Heritage Act* in the attached table (see Attachment A).

As an organization, we welcome the Province's commitment to addressing the current housing crisis. We agree that affordable, inclusive and safe housing is a critical issue that must

be addressed. However, evidence from across the province shows that heritage conservation and housing development can be mutually beneficial. Reuse and adaptation of existing buildings and neighbourhoods, combined with well-designed and well-planned infill, can and will result in new homes for Ontarians.

Meeting the targets of the *Report of the Housing Affordability Task Force* will require creative solutions. It is imperative to include existing buildings in these discussions because of their role in sustainable, healthy, and resilient communities. According to the 2022 Report from the federal Net-Zero Advisory Board¹ over two thirds of existing houses in Canada will still exist in 2050. Further, building renovation is a significant component of the construction industry.² Our members contribute to this industry in a variety of ways including as tradespeople, engineers, architects, and planners. However, our members, with their unique understanding of the challenges and opportunities of working with older structures, have not been part of the dialogue to date. We are disappointed that the proposed amendments did not involve consultation with stakeholders, such as ourselves as we believe we can be part of the solution along with other key heritage stakeholders such as the Architectural Conservancy of Ontario and Community Heritage Ontario. Heritage conservation and building reuse must be part of the discussion when exploring how to create more housing.

We recognize that the existing heritage system needs review and revision. However, Bill 23, as proposed, introduces significant uncertainty. It will have unintended consequences and in our professional opinion, could result in greater delays and confusion. There is already a lack of

¹ *Net-Zero Advisory Body (2022) The Net-Zero Advisory Body's Submission to the Government of Canada's 2030 Emissions Reduction Plan. Canada. Available at: https://nzab2050.ca/publications/news_feed/submission-for-canada-s-2030-emissions-reduction-plan*

² "According to CHBA's *Economic Impacts of Home Renovation and Repair*, there were 699 064 jobs, \$42.5 billion dollars in wages and \$81.6 billion dollars in investment generated through home renovation and repair in Canada in 2018 (CHBA, 2018). In comparison, the economic impacts related to new construction were lower. In 2018, new construction generated 566 472 jobs, \$34.4 billion dollars in wages and \$79.2 billion in investment value (CHBA, 2018). Any regulatory measure or non-regulatory instrument to facilitate the uptake of alterations to existing buildings may increase the economic potential of this industry provided that the regulatory measures are reasonable." *Government of Canada (2020) Final report - Alterations to existing buildings Available at: <https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/codes-canada-publications/final-report-alterations-existing-buildings>*

skilled professionals in our field, and these changes will exacerbate this issue. The proposed amendments would mean that 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. It is not feasible to review all of these properties for designation within two years. To remove these properties from consideration of future developments is a waste of all the time and money that was spent reviewing and compiling these registers. With the proposed removal of planning responsibility from many regional and county governments, our field will see a further reduction in professional capacity as well as existing technical studies (such as archaeological management plans) that are critical to heritage management in this province. This uncertainty in the process is not good for homebuilders, communities or heritage experts. In some cases, it will also result in increased costs to homebuilders and tax-payers.

Further, increasing the threshold for listing and designation under Part IV of the *Ontario Heritage Act* will make it more difficult to address reconciliation as well as issues of equity, diversity and inclusion in the protection of cultural heritage resources in Ontario. There are many properties that reflect underrepresented groups that would no longer meet the criteria for designation under Section 29 Part IV. This will mean that the current inequity in the criteria will continue to assign more value to the contributions of architecture and well-documented histories rather than recognizing the diverse stories that make up Ontario's history. Any revision to provincial criteria must ensure that underrepresented communities can still protect the cultural heritage resources that are important to them. This is a significant concern for our membership as many of our members have been directly involved in efforts to rethink traditional understandings of heritage designations and listings.

When the *Report of the Ontario Housing Affordability Task Force* was released earlier this year, OAHP supported recommendation 4, "Permit "as of right" conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use";

however, there are significant barriers that inhibit the conversion of existing buildings in Ontario, such as building code limitations/requirements and a lack of skilled trades. Introducing policies to support reuse or repurposing of existing buildings and the removal of certain 'new build' requirements for existing buildings would lead to more housing faster. Addressing these barriers and providing incentives for the conversion and expansion of existing buildings as well as additional adaptive re-use training programs would increase the ability for the Province to provide affordable and sustainable housing.

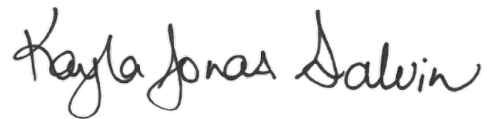
We urge the Province to ensure that the path forward to addressing the housing crisis is not at the expense of built heritage resources, cultural heritage landscapes, and archaeological resources. While cultural heritage is often positioned as being a barrier to development, the reality is that an effective and efficient heritage program can assist with the management of change. We recognize that heritage must have a function or role in the life of the community to be effective, and there are creative and innovative solutions that can address both heritage and other provincial interests.

CAHP and OAHP support intensification, including well-designed and well-planned infill as well as the conversion and adaptation of existing buildings to allow for more homes to be constructed. We would encourage avoidance of zoning tools that incentivize the demolition of existing building stock and impact both the environment and affordability. We would support tools that encourage subdivision of single unit homes into multi-family buildings and give credits for the reuse of existing buildings and materials or incorporating cultural heritage resources into new developments. We are pleased to submit the attached examples of the successful reuse and conversion of existing buildings for housing, submitted to us by our membership, as innovative approaches to land use planning and community building (see Attachment B).

We would also reiterate that OAHP members are willing to provide their expertise and further insight by participating in stakeholder consultation, working groups or advisory bodies. We also would be pleased to assist with identifying potential barriers and issues with proposed

legislation and regulations from a practical, solutions-based approach. This includes assisting with changes to the *Planning Act* and *Provincial Policy Statement/Growth Plan*, the *Ontario Heritage Act*, and the *Conservation Authorities Act*. We will be submitting further comments on amendments to each of these on the Environmental Registry of Ontario.

Thank you for the opportunity to provide you with our input.



Kayla Jonas Galvin, MA, RPP, MCIP, CAHP
President
Ontario Association of Heritage Professionals



Jean-Michel Carrière, P.Eng., ing., CAHP
President
Canadian Association of Heritage Professionals

Attachment A - Comments on Bill 23, Schedule 6 Ontario Heritage Act
Attachment B - Examples of Heritage Buildings Supporting Affordable and New Housing

Attachment A - Comments on Bill 23, Schedule 6 *Ontario Heritage Act*

Proposed Change	Implications	Recommendation/Questions
<p>Section 27 - Accessible Register on Website</p> <p>1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality’s website.</p>	<p>Municipalities must already keep a register that lists all properties designated under Part IV of the Act and they may also include properties that have not been designated, but that the municipal council believes to be of cultural heritage value or interest.</p> <p>Many municipalities already maintain an online copy of the register on their websites and/or mapping applications.</p> <p>This is a positive amendment, but may disadvantage or encumber smaller municipalities that lack sufficient resources to maintain an up-to-date online version of their register.</p>	<p>OAHP agrees that requiring a municipal heritage register to be on a website is a necessary change to increase transparency and also public education about cultural heritage resources within their community.</p> <p>This will require that MCM communicates with AMO/Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) to ensure that it is clear that this is a duty of the clerk to –and an obligation under the OHA–to maintain the register.</p>

Proposed Change	Implications	Recommendation/Questions
<p>Section 27 – Listing Criteria for Register</p> <p>3b.) Where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.</p> <p>Criteria may be prescribed for listing</p>	<p>This amendment will result in a significant amount of uncertainty and unnecessary work for municipalities, homebuilders, and property owners.</p> <p>The Bill, as proposed, takes a very narrow view of the role of Municipal Heritage Registers in conserving our collective heritage and simplifies their role to being one of blocking development. This is a false dichotomy.</p> <p>There are many different understandings of the purpose of Municipal Heritage Registers. Some communities see a register as purely demolition control for a “sober second thought”, others as a less formal type of recognition that is less threatening or encumbering for property owners than designation. Some see it as a precursor to designation. And some see it as a bureaucratic obligation</p>	<p>OAHP has no objection to prescribed criteria for listed properties but would want to have input on the type and scope of the criteria (if O. Reg. 9/06 is not used) as well as the rigour of evaluation required.</p> <p>An outstanding issue is that there has been no clear provincial guidance on the purpose of the register under Section 27. OAHP recommends that the MCM provides clarity on this matter.</p> <p>This proposed update should only apply to new listings and not be retroactive to all existing listed properties.</p> <p>It is unclear what the role of <i>listing</i> will be if the criteria for listing and designation is the same. What would prevent municipalities from going to designation</p>

Proposed Change	Implications	Recommendation/Questions
	<p>only. The proposed amendments suggest it is only as a precursor to designation, which is not the universal application.</p> <p>Municipalities across Ontario have maintained heritage registers in their current form since 2006 and have used these registers not only as a tool in the development process, but also as a mechanism to recognize, protect and honour places of significance. This is especially the case in some small and rural municipalities.</p> <p>In some communities, inclusion on a register is a precondition of local community heritage grants, and listing allows owners and homebuilders to access these critical funds without having to go through the entire process for designation under Section 29 Part IV.</p>	<p>directly (excepting a <i>prescribed event</i>)? Clarity is requested.</p> <p>This amendment requires additional capacity (that doesn't exist) in both the public and private sectors and may increase timelines and additional barriers when other tools need to be (or could be) applied. What assistance and guidance will MCM provide with this process?</p>

Proposed Change	Implications	Recommendation/Questions
	<p>Further, it is unclear what the new prescribed criteria will be, or what should be used in the interim if O.Reg. 9/06 is proposed to be updated.</p>	
<p>Section 27 – Expanded Objections</p> <p>7), (13) Objection</p> <p>All owners of listed properties would be able to file a notice of objection to having their property included on the City’s Heritage Register regardless of when it was added to the municipal register.</p>	<p>This change would allow all owners of properties listed prior to July 1, 2021 the ability to object to their inclusion on the Register and will increase municipal and private sector workload beyond current capacity to address enquiries as well as reports to Council on any objections.</p> <p>It creates an unnecessary redundancy in appeal rights and will likely increase costs to property owners and homebuilders if they need to provide a</p>	<p>OAHP does not support applying the ability to object to a listing retroactively to previous property listings.</p> <p>Consider amending the legislation to limit the number of times an objection can be submitted or set a minimum time period between objections.</p> <p>Will municipalities be provided with financial or technical support to convert their listed properties to designated properties? Or will the result be that the</p>

Proposed Change	Implications	Recommendation/Questions
	<p>case because a property should not be included. This may include legal advice and/or consultants to prepare a 3rd party assessment.</p> <p>Some municipalities have spent significant amounts of money on the development of their registers. This will result in a direct loss of this time and money.</p> <p>The amendment is silent on the grounds for which an owner can object to the listing of their property on the Register.</p>	<p>cost and work will be downloaded to homebuilders and owners?</p> <p>OAHP recommends that additional clarification be provided regarding the grounds for which an owner can object to the listing of their property. It is further recommended that the grounds for objection be limited to those related to the property's cultural heritage value and if it meets the prescribed criteria.</p>

Proposed Change	Implications	Recommendation/Questions
<p>Section 27 – Two Year Maximum Timeframe for Listed Properties</p> <p>(15), (16) Removal of non-designated property</p> <p>Listed properties must be removed from the Register If Council does not give a notice of intention to designate the property on or before the second anniversary of the day the property was included in the register.</p> <p>Properties included on the Register as of the day before the More Homes Built Faster Act, 2022 comes into force must be removed from the Register If Council does not give a notice of intention to designate on or</p>	<p>Listed Properties that are not designated within the two-year timeframe (from when they are added to the Register or, for existing listings, from the date the Act comes into force) are <u>automatically removed from the Register</u> and cannot be placed back on the Register for <u>five years</u>.</p> <p>The rationale for two- and five-year time limits is not provided and the timeframes do not appear to have a basis in any MCM policy or guidance, or any other provincial documents, including the Task Force on Housing Report.</p> <p>Similarly, removal from the Register is required if Council passes a Notice of Intention to Designate but the by-law is not passed within the prescribed timeframe or is withdrawn by Council –</p>	<p>What are the two- and five-year timeframes based upon, and are they realistic at a time of municipal and private sector recovery post COVID-19 when both sectors are still struggling to recruit and retain? For example, although Official Plans at a local level are meant to be updated every five years, this timeline is routinely considered unrealistic and ignored. Will support and guidance be provided to address these timelines?</p> <p>The requirement to remove properties from the Register if not designated within two years of legislation approval is ill-conceived, contrary to heritage conservation planning and management best practices and should be abandoned (including the five-year limit on returning properties to the Register) so as to prevent the loss of significant cultural heritage resources that are not yet designated.</p>

Proposed Change	Implications	Recommendation/Questions
<p>before the second anniversary of the Act coming into force.</p> <p>(17) Consultation not required</p> <p>Consultation with the Municipal Heritage Committee is not required if a property is removed from the Register because the two-year time period has elapsed.</p> <p>(18) Prohibition re including property in register, subs.</p> <p>Properties removed from the Register under subsections 14 – 16 may not be listed again for a period of five years.</p>	<p>there may be legitimate reasons for the above actions and this should not result in automatic removal from the Register.</p>	<p>This amendment unfairly targets all municipalities, especially smaller and rural municipalities which do not have the necessary staff and volunteer resources. A one-size fits all approach fails to adequately account for the needs and desires of communities which have developed highly cooperative and locally-based solutions and programs which seek to engage local property owners and homebuilders.</p> <p>Heritage property registers are central to many heritage planning programs throughout the world. The Province of Ontario has traditionally advocated for the development of municipal heritage registers as a means to document these resources in the community (including in the MCM's <i>Ontario Heritage Toolkit</i>). It is</p>

Proposed Change	Implications	Recommendation/Questions
		<p>unclear why this shift is occurring and clarity needs to be provided.</p> <p>OAHP recommends the inclusion of a mutual-consent provision in the amended Act to waiver the removal of a property from the register. It is suggested that, similar to heritage permits, a new clause be included as follows:</p> <p><i>Notwithstanding the foregoing, if both a municipality and an owner of a property protected under this section agree to retain the property on a heritage register, the property shall not automatically be removed. The municipality must retain this agreement on file.</i></p>

Proposed Change	Implications	Recommendation/Questions
<p>Section 29 - Individual Designation</p> <p>(1.2) Limitation</p> <p>If a property is subject to a prescribed event Council may not give notice of intention to designate the property if it has not already been listed.</p>	<p>Not all properties are included on municipal heritage registers in Ontario. This amendment requires municipalities (including smaller and rural municipalities) to regularly undertake and update inventories, placing properties –even where no development is likely to occur— proactively on the municipal heritage register rather than addressing them in the event of a prescribed event as per the process outlined in Bill 108.</p> <p>OAHP further cautions that existing registers may not include the cultural heritage resources of underrepresented communities. These properties are more likely to have been missed in historic and/or large-scale surveys or on older inventories that may have lacked public consultation. This amendment may further marginalize the heritage of underrepresented communities.</p>	<p>This amendment does not take into account the implications if “new and relevant information” –per O.Reg.385/21—were to be discovered part way through a development application and the property was not already listed. How will this be reconciled?</p> <p>OAHP recommends the inclusion of a mutual-consent provision in the amended Act to waive the requirement for a property to be listed prior to designation in the case of a prescribed event. It is suggested that a new clause be included.</p> <p>OAHP recommends a review of O.Reg.9/06 criteria, based on consultation with heritage professionals.</p> <p>OAHP further recommends that MCM give consideration to more regular use of Section 34.5, Part IV of the OHA in cases where new and relevant information is discovered and</p>

Proposed Change	Implications	Recommendation/Questions
	<p>This concern is further exacerbated by the proposed increase in the threshold for designation under Section 29, Part IV from one to two criteria (O.Reg.9/06) which disadvantages less architecturally significant cultural heritage resources that have strong associations with underrepresented histories and people.</p>	<p>the resource is determined to be of provincial or national significance. This should be used even if a prescribed event has occurred. This would be important to the protection of cultural heritage resources of under-represented communities. OAHP further recommends that MCM develop a process that is publicly posted to initiate such a designation.</p>

Proposed Change	Implications	Recommendation/Questions
<p>Section 41</p> <p>41 (1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,</p> <p>(b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.</p> <p>41.1(5.1) Content of Plan</p> <p>Where criteria have been prescribed for the purposes of</p>	<p>MCM is proposing to increase rigour in the process of identifying and protecting heritage conservation districts (HCDs) by requiring municipalities to apply prescribed criteria to determine a 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 proposing to have the criteria currently included in O. Reg. 9/06 (Criteria for determining cultural heritage value or interest) apply to HCDs and is proposing that the HCD must meet two or more of the criteria in order to be designated, which would be achieved through a regulatory amendment. MCM is further proposing that this requirement would apply only to HCDs where the notice of the designation bylaw is published on or after the date the legislative and</p>	<p>OAHP supports the increased rigour and use of prescribed criteria to evaluate Heritage Conservation Districts. The challenge with using O. Reg 9/06 is that it does not translate easily to cultural heritage landscapes or even not architecturally based resources with enough granularity or specificity to be useful. Rather than using O.Reg. 9/06 –which is primarily designed for single properties—a new regulation should be developed that addresses both HCDs and cultural heritage landscapes. OAHP formally requests to be part of this consultation.</p>

Proposed Change	Implications	Recommendation/Questions
clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria	regulatory amendments come into force.	

Proposed Change	Implications	Recommendation/Questions
<p>Section 41</p> <p>41(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.</p> <p>41(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.</p> <p>41.1(13) If the council of a municipality wishes to amend a</p>	<p>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. The proposal would help create opportunities to align existing HCDs with current government priorities and make HCDs a more flexible and iterative tool that can better facilitate development, including opportunities to support smaller scale development and the “missing middle” housing. If passed, MCM would consult on the development and details of the amendment and repeal processes at a later time.</p> <p>The definitions of repealing vs amending are unclear, as are the triggers for the repeal or amendment of HCD Plans and By-laws.</p>	<p>OAHP supports a transparent process to update the HCD plans. OAHP requests to be a participant in consultations on the process to amend or repeal existing HCD designation and HCD plan by-laws.</p> <p>Consider only permitting changes to HCDs as part of a periodic review process (e.g., five years) as opposed to ad-hoc amendments. This will discourage incremental changes based on activities on individual properties.</p> <p>Clear processes for amending HCD plans must distinguish between changes to HCD boundaries and changes to design guidelines, objectives, and attributes. Explicit guidance must be provided on where changes to a plan (i.e., boundaries) might be considered repealing parts of a plan rather than amending.</p>

Proposed Change	Implications	Recommendation/Questions
<p>by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.</p> <p>41.1 (14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.</p>	<p>We urge caution regarding updating to align with “government priorities” as those may change over time, the continued changing of HCD plans to react to these changes will create uncertainty for homebuilders, owners and community members.</p>	<p>Given the gravity of completely repealing an HCD, the bar for achieving this should be high and involve significant consultation.</p>

Proposed Change	Implications	Recommendation/Questions
<p>Part III</p> <p>(7) Exemption re compliance</p> <p>The Lieutenant Governor in Council may, by order, 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 heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:</p> <ul style="list-style-type: none"> ● Transit. ● Housing. 	<p>MCM is proposing to introduce an enabling legislative authority so the Lieutenant Governor in Council (LGIC) may, by order, 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 2010 <i>Standards and Guidelines for Conservation of Provincial Heritage Properties</i> (S&G) in respect of a particular property, if the LGIC is of the opinion that 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.</p> <p>The ability to circumvent S&Gs at the provincial level is contrary to good planning practice that balances all interests when developing a property. Resources of cultural heritage value or interest have previously been identified as</p>	<p>Strongly advise before moving forward on any review of the S&Gs, consultation should be undertaken with key stakeholders including OAHP, heritage experts in ministries and prescribed bodies including MTO, IO, etc. As presented, the wording is too vague and the consequences are not clear.</p> <p>If this proposed change is to proceed, at minimum there should be a process developed that is transparent and has checks and balances. The threshold for the use of these powers should be high. It should only be considered for exceptional circumstances and not as a matter of course.</p>

Proposed Change	Implications	Recommendation/Questions
<ul style="list-style-type: none"> ● Health and Long-Term Care. ● Other infrastructure. ● Such other priorities as may be prescribed. 	<p>a matter of provincial importance and should not be viewed as a conflict for these priorities. Heritage conservation is a way to manage change in a way that addresses existing buildings and landscapes and can enhance the proposed changes to properties and communities. The S&Gs enables the conversation to happen to balance heritage and other provincial priorities - it allows for potentially more innovative solutions.</p> <p>The wording is too vague and the consequences are not clear. The amendment introduces significant uncertainty and has potential for unintended consequences.</p> <p>Which parts of the S&Gs that could be individually affected is also uncertain. The suggestion that some parts of the S&Gs</p>	

Proposed Change	Implications	Recommendation/Questions
	<p>could be not applied to a property may have unintended consequences as sections are not independent and may be directly tied to the policies of individual ministries or prescribed public bodies.</p> <p>Indigenous consultation is also included in the S&Gs and a parallel process would have to be developed to address Duty to Consult obligations with respect to the heritage management of provincial properties.</p> <p>The S&Gs are a trigger for archaeological assessments on provincial properties and the only such trigger on properties where archaeological sites do not already exist. Not conducting archaeological assessments may run the risk of violating Part VI of the OHA should any previously unknown archaeological sites be impacted. Archaeology is also a mechanism for</p>	

Proposed Change	Implications	Recommendation/Questions
	addressing the potential for human remains on a property.	

Proposed Change	Implications	Recommendation/Questions
<p>Part III</p> <p>(3.1) Minister’s review of determination</p> <p>Minister can review determination of whether a property has cultural heritage value of interest for provincially owned properties or provincially occupied properties.</p>	<p>MCM is proposing to introduce an enabling legislative authority that provides that the process for identifying provincial heritage properties under the S&Gs may permit the Minister of Citizenship and Multiculturalism 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. This process for Ministerial review would be set out through a revision to the S&Gs and may be applied to determinations made on or before the change comes into effect. If Bill 23 is passed, the ministry would develop and consult further on the proposed process under the S&Gs.</p> <p>It is unclear if the ability to review, confirm and revise the determination of cultural heritage value or interest mean the ability to remove the designation of a property</p>	<p>Any review of the S&G should be undertaken with key stakeholders including OAHF, heritage experts in ministries and prescribed bodies including MTO, IO, etc.</p> <p>If this proposed change is to proceed, at minimum there should be a process developed that is transparent and involves additional, or acknowledges existing, consultation. The threshold for the use of these powers should be high. It should only be considered for exceptional circumstances and not as a matter of course.</p>

Proposed Change	Implications	Recommendation/Questions
	<p>under Part III? If so, this introduces significant uncertainty around significant provincial heritage properties that are often landmarks in communities (e.g., courthouses, jails, parks, and other key properties).</p> <p>The documentation for provincial heritage properties and the determination of cultural heritage value process has been well established, for properties research, consultation with indigenous communities and local stakeholders and discussions within and between heritage experts. It is unclear how the process would be able to supersede the expert work and local consultations that go into making cultural heritage value determinations.</p> <p>If certain patterns emerge in how these powers are deployed by the Minister, these will effectively replace the S&Gs and</p>	

Proposed Change	Implications	Recommendation/Questions
	<p>heritage criteria as unwritten rules governing the heritage evaluation process for provincial properties.</p>	

Attachment B - Examples of Heritage Buildings Supporting Affordable and New Housing

Cornerstone Housing, 332 Richmond Street, London, ON

Cornerstone Housing, located at 332 Richmond Street, is an affordable and supportive transitional housing building created by Youth Opportunities Unlimited. It is intended to help youth develop the skills and knowledge required to live independently by providing them with a place to live and a Housing Stability Worker that can help them achieve this goal. It is one of four housing focused initiatives operated by Youth Opportunities Unlimited.¹

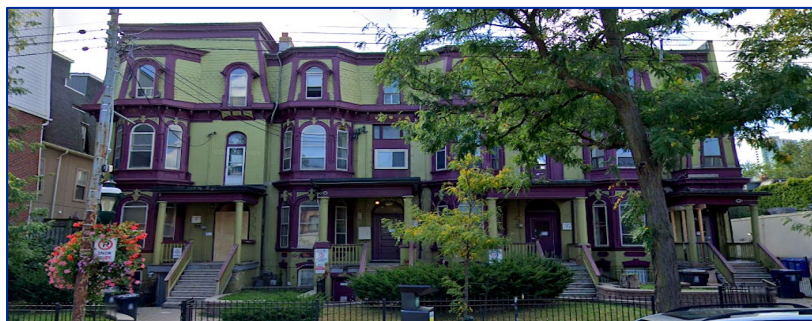


Figure 1: Affordable and Transitional Housing by Youth Opportunities Unlimited

¹ Youth Opportunities Unlimited, “Housing Services.”

Cabbagetown Rooming Houses, 508 Parliament Street, Toronto, ON

The Cabbagetown Rooming Houses, located within the Cabbagetown Heritage Conservation District and designated under Part V of the *Ontario Heritage Act*, are an affordable housing initiative funded through a partnership between the City of Toronto, Dixon Hall, and Toronto Community Housing that will renovate the existing row houses at 508 Parliament Street and convert them into rooming houses. It is currently under development and will provide 44 multi-tenant units with shared kitchen space. This project will also restore heritage attributes and establish landscaped yards. The project was projected to be completed for residency in spring 2021; however, there have not been any recent updates to indicate if the project has been completed or if it is currently being occupied.² Google Streetview from September 2021 depicts the building as still being under construction. Other examples of residences being converted into affordable housing units includes the Anson House in Peterborough³, Bradburn House in Peterborough⁴, and Bond by the River in Lindsay.⁵



<https://streetsoftoronto.com/le-swan-toronto-now-doing-bbq>

Figure 2: Affordable Housing Project by Dixon Hall and Toronto Community Housing

² Lorde, "Toronto to Transform Historic Cabbagetown Building."

³ Peterborough Housing Corporation, "136 Anson Street (Anson House)," accessed 10 November 2022, https://ptbohousingcorp.ca/affordable_housing/136-anson-street-anson-house/.

⁴ Peterborough Housing Corporation, "293 London Street (Bradburn House)," accessed 10 November 2022, https://ptbohousingcorp.ca/affordable_housing/293-london-street-bradburn-house/.

⁵ Kawartha Now, "Grand Opening Held for Affordable Townhouse Development in Lindsay," last updated 4 May 2019, accessed 18 April 2022, <https://kawarthanow.com/2019/05/04/grand-opening-held-for-affordable-townhouse-development-in-lindsay/>.

13-15 and 17-19 Winchester Street, Toronto, ON

The Winchester Street supportive housing project, located in the Cabbagetown Heritage Conservation District and designated under Part V of the *Ontario Heritage Act*, is funded through Ontario's Home for Good supportive housing program and is operated by Margaret's Housing and Community Support Services, an organization dedicated to helping women with mental illness and substance abuse. The land was transferred to Margaret's Housing and Community Support Services by the City of Toronto. This project will create 35 self-contained units including seven with barrier-free access, and five common areas on the ground floor (kitchen, dining room, and three lounging areas). Restoration of the buildings' heritage attributes as well as landscaping are also a part of the project. It was projected that the restoration would be complete by spring 2021; however, there have been no updates to indicate if it has been completed.⁶



<https://www.theglobeandmail.com/real-estate/toronto/article-mouldering-cabbagetown-heritage-homes-find-a-higher-purpose/>

Figure 3: Supportive Housing Project by Margaret's Housing and Community Support Services

⁶ Quon, "Mouldering Cabbagetown Heritage Homes."

Cranfield House, 450 Pape Avenue, Toronto, ON

The Cranfield House, designated under Part IV of the *Ontario Heritage Act*⁷, is being renovated to become the new home for Nellie’s Shelter for Women and Children. This redevelopment will provide 40 additional beds for the shelter and will be accessible.⁸ It was set to be open in fall of 2020; however, Google Streetview from September 2021 seems to indicate that it is still under restoration.

Other examples of a former residence converted to residences for organizations dedicated to those in need include the Local Women’s Council House in Halifax⁹ and the Abiwin Co-Operative in Ottawa.¹⁰



<https://urbantoronto.ca/news/2016/08/redevelopment-plan-re-emerges-storied-east-end-mansion>

Figure 4: Shelter for Women and Children Experiencing Violence, Poverty, and Homelessness

⁷ Ontario Heritage Trust, “William Harris House – Cranfield House,” accessed 18 April 2022, https://www.heritagetrust.on.ca/en/oha/details?id=25793&backlinkslug=search-results&fields%5Bproperty_name%5D=450+pape.

⁸ Joanna Lavoie, “Nellie’s Shelter for Women Will Soon Have A New Home In Riverdale,” last updated 16 July 2019, accessed 18 April 2022, https://www.toronto.com/news/nellies-shelter-for-women-will-soon-have-a-new-home-in-riverdale/article_01bafbe0-369c-53c4-9b2e-2116e438eff3.html.

⁹ Historic Places Canada, ‘Local Women’s Council House,’ accessed 18 April 2022, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=3109>.

¹⁰ Abiwin Co-Operative, “About Us,” accessed 18 April 2022, <https://abiwincooperativeinc.wildapricot.org/>.

Fairground Lofts, Vaughan, ON

Fairground Lofts is a loft townhouse project in Vaughan (located next to the Woodbridge Fairgrounds¹¹) that will be comprised of 65 loft townhouses in three- and four-storey blocks situated around a landscaped courtyard. The entrance to the site will be flanked by two Part IV designated houses (Thomas P. Wright house and McGillivray-Shore house) that will be relocated to these locations from elsewhere on the property and restored. The architecture of the townhouses will be inspired by the heritage houses and the industrial history of the area.¹²



https://www.thestar.com/life/homes/2012/08/17/fairground_lofts_wrap_hip_style_up_in_victorian_heritage_in_heart_of_vaughan.html

Figure 5: Concept Drawing of Fairground Lofts Including the Heritage Buildings

¹¹ Wycliffe Homes, "Fairground Lofts in Old Woodbridge Village," accessed 18 April 2022, <http://wycliffehomes.com/communities/fairground-lofts/>.

¹² Hanes, "Fairground Lofts Wrap Hip Style Up."

Morris House, Halifax, NS

The Morris House was constructed in 1764 and is one of Canada's oldest buildings. It was originally intended to be demolished but was purchased by the Heritage Trust of Nova Scotia and relocated to Creighton Street instead. Significant restoration efforts were required and there were periods of uncertainty¹³; however, the restoration was completed, and the building is now operated by Phoenix Youth Programs as a home for young families.¹⁴



<https://atlantic.ctvnews.ca/plan-to-turn-halifax-s-historic-morris-house-into-home-for-at-risk-youth-in-jeopardy-1.4484495>

Figure 6: Morris House After Relocation and Some Restoration

Dr. Hawkins Public School (The Pines of Port Hope), Port Hope, ON

The school board sold the property in 2001 to Eastwood Developments, who began the process of converting the building into eighteen condominium units of varying sizes. The discovery of

¹³ CTV Atlantic, "Plan to Turn Halifax's Historic Morris House into Home for At-Risk Youth in Jeopardy."

¹⁴ Dorothy Grant, "Morris House's Rebirth," *Unravel*, last updated 22 October 2021, accessed 18 April 2022, <https://unravelhalifax.ca/morris-houses-rebirth/>.

human remains on the northwest corner of the property delayed the conversion and the construction of five single-family dwellings; however, it has since been completed. The property is not designated under Part IV or Part V of the *Ontario Heritage Act*, nor is it listed under Section 27. It was the developer's desire to maintain the school building.¹⁵



<https://www.erinbrown.ca/Properties.php/Details/111>

Figure 7: The Pines of Port Hope, Formerly Dr. Hawkins Public School

¹⁵ Northumberland News, "Port Hope School is Foundation for New Condominiums," accessed 6 November 2003, <https://www.northumberlandnews.com/news-story/3768991-port-hope-school-is-foundation-for-new-condominiums/>; Royal Service Real Estate Inc., "305 72 Pine St., North, Port Hope, ON."

Dr. Powers Public School, 64 Ward Street, Port Hope, ON

The municipality purchased the property from the Kawartha Pine Ridge District School Board for \$1 in exchange for municipal funding to repair and improve Port Hope High School's track and field facilities. The property was then sold to TVM Group Inc. for \$2 and converted into twenty-four affordable housing units. A section of land along Harcourt Street was sold to Habitat for Humanity for \$2 to construct additional affordable housing. The land along Hope Street was placed under a municipal easement as a public park. The property is not designated under Part IV or Part V of the *Ontario Heritage Act*, nor is it listed under Section 27.¹⁶



<https://www.northumberlandnews.com/news-story/3761157-new-affordable-housing-planned-for-port-hope-s-dr-powers-school-site/>

Figure 8: Dr. Powers Public School Before Conversion into Affordable Housing Units

¹⁶ Northumberland News, "New Affordable Housing Planned."

Connaught Public Elementary School, 400 Maple Street, Collingwood, ON

Designated under Part IV of the *Ontario Heritage Act*¹⁷, the Connaught Public School in Collingwood, which closed in 2001, was to be converted into four condominium units that would have been renamed Duke Lofts. Two of the condominiums would have been in the original school building and would have included the original wood staircases and tin ceilings. The other two units were to be constructed as an addition.¹⁸ In 2019, Georgian Communities purchased the property and changed the development plan. Now called the Victoria Annex, the development will consist of four single-detached dwellings, ten semi-detached dwellings, three townhouse units, a coach house with parking and three apartments, and the conversion of the schoolhouse into two semi-detached dwellings.¹⁹

Other examples of designated schools and institutional buildings that have been converted into residences includes the Stinson School Lofts in Hamilton²⁰, the Gibson Loft Rentals in

¹⁷ Ontario Heritage Trust, "East Ward/Connaught Public Elementary School," accessed 18 April 2022, https://www.heritagetrust.on.ca/en/oha/details?id=6733&backlinkslug=search-results&fields%5Bproperty_name%5D=connaught.

¹⁸ Roberta Avery, "Two Different Approaches to Four-Season Living," *Toronto Star*, last updated 11 January 2013, accessed 18 April 2022, https://www.thestar.com/life/homes/2013/01/11/two_different_approaches_to_fourseason_living.html.

¹⁹ Jessica Owen, "The Victoria Annex: Past, Present and Future (7 Photos)," *Collingwood Today*, last updated 14 January 2022, accessed 18 April 2022, <https://www.collingwoodtoday.ca/local-news/the-victoria-annex-past-present-and-future-7-photos-4946216>.

²⁰ Stinson Hospitality Real Estate, "Stinson School Lofts," accessed 18 April 2022, <https://stinsonproperties.com/past-projects/stinson-school-lofts/>.

Toronto²¹, the House of Industry in Toronto²², St. Peter's Elementary School in Peterborough²³, and St. Joseph's Hospital in Peterborough.²⁴



<https://www.ontarioabandonedplaces.com/ontario/collingwood/connaught-public-school>

Figure 9: Connaught Public School Before Restoration

²¹ Stinson Hospitality Real Estate, "Gibson Loft Rentals," accessed 18 April 2022, <https://stinsonproperties.com/current-projects/gibson-school-lofts/>.

²² "Toronto's House of Industry," accessed 18 April 2022, <https://houseofindustry.wordpress.com/the-building/>.

²³ Canada Mortgage and Housing Corporation, "Peterborough Celebrates New Affordable Housing," last updated 9 September 2009, accessed 10 November 2022, <https://www.newswire.ca/news-releases/peterborough-celebrates-new-affordable-housing-538592291.html>.

²⁴ Jaimie Steel, "Peterborough's Former St. Joseph's Hospital Converted into Luxury Suites," last updated 22 February 2016, accessed 10 November 2022, <https://www.mykawartha.com/news-story/6328351-peterborough-s-former-st-joseph-s-hospital-converted-into-luxury-suites/>.

Northern Rubber Company, 120 Huron Street, Guelph, ON

Now known as the Alice Block Condos, the former Northern Rubber Company is being converted into 86 residential units ranging from one to three bedrooms. This site is designated under Part IV of the *Ontario Heritage Act*. It is under development by Momentum Developments.²⁵

Other examples of designated and listed industrial and institutional buildings being converted into residential units include the Cannon Knitting Mills in Hamilton²⁶, the Peterborough Post Office²⁷, the Woollen Mill in Peterborough²⁸, and the Westclox Factory in Peterborough.²⁹

²⁵ GTA Homes, "Alice Block Condos," accessed 18 April 2022, <https://www.gta-homes.com/guelph-condos/alice-block/>; Guelph Today Staff, "City Moves to Designate Former Factory."

²⁶ Bobby Hristova, "Developer Pledges Condos at Cannon Knitting Mills will be Done in Next 3 Years," last updated 18 January 2021, accessed 18 April 2022, <https://www.cbc.ca/news/canada/hamilton/developer-pledges-condos-at-cannon-knitting-mills-will-be-done-in-next-3-years-1.5869684>.

²⁷ Erik Hanson, "Second Chances for Peterborough's Priceless Heritage," last updated 11 September 2008, accessed 18 April 2022, <https://www.heritage-matters.ca/articles/second-chances-for-peterboroughs-priceless-heritage>.

²⁸ Peterborough Housing Corporation, "526 McDonnell Street (the Woollen Mill)," accessed 10 November 2022, https://ptbohousingcorp.ca/affordable_housing/526-mcdonnel-street-the-woollen-mill/.

²⁹ Clifford Skarstedt, "Approval sought for demolition of offices wing behind Time Square to make way for more apartments," last updated 15 July 2022, accessed 2 November 2022, <https://www.thepeterboroughexaminer.com/news/council/2022/07/15/approval-sought-for-demolition-of-offices-wing-behind-time-square-to-make-way-for-more-apartments.html>; Skyline Living, "Time Square," access 2 November 2022, <https://www.skylineliving.ca/en/apartments/ontario/peterborough/201-and-211-hunter-st-e-peterborough-on>.



<https://www.guelphtoday.com/local-news/city-moves-to-designate-former-factory-in-the-ward-as-a-heritage-building-2597770>

Figure 10: Northern Rubber Factory Before Restoration and Conversion

The Spire, 87 Mann Avenue, Ottawa, ON

The Spire, located at 87 Mann Avenue, is a former church that was converted to residential uses after it was deconsecrated in 2011. It contains 56 units and is a sustainable residential building. The property is not designated under the *Ontario Heritage Act*.³⁰

³⁰ Robertson Martin, “The Spire,” accessed 18 April 2022, <https://robertsonmartin.com/project/the-spire-at-87-mann-avenue/>.; Smart Living Properties, “The Spire,” accessed 18 April 2022, <https://www.smartlivingproperties.ca/properties/the-spire>.



<https://robertsonmartin.com/project/the-spire-at-87-mann-avenue>

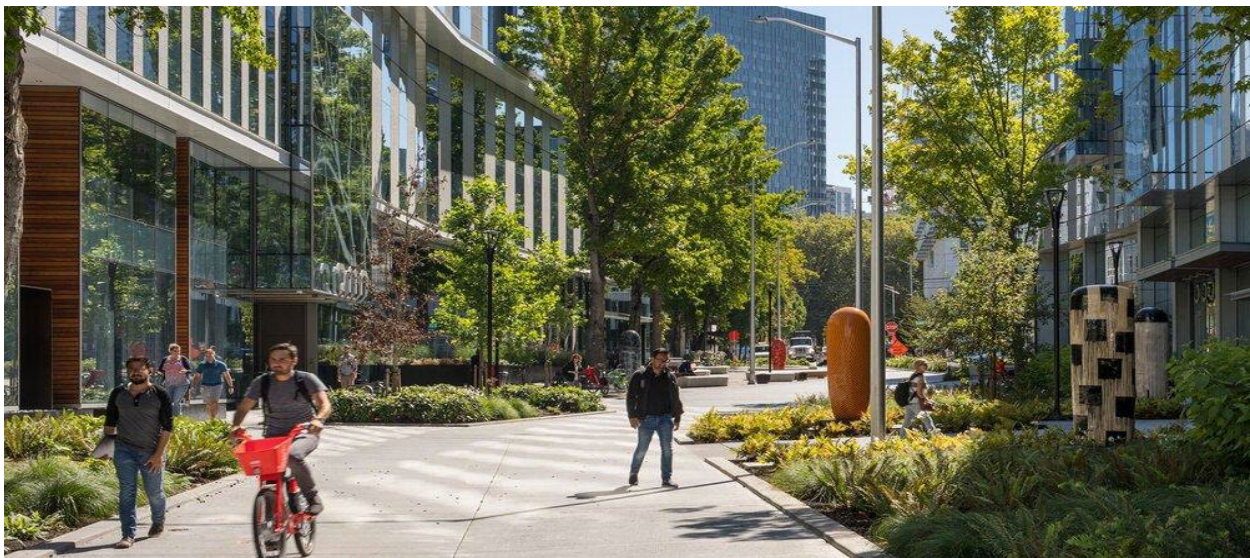
Figure 11: The Spire After Development

Tyndale Green, 3377 Bayview Avenue, North York, ON

Tyndale Green is a project by Markee Developments in collaboration with Tyndale University and the community to develop affordable housing in a sustainable environment while taking into consideration heritage preservation and the ravine system. The property was originally developed in 1960 as a Catholic seminary for the Sisters of St. Joseph and was later expanded into a Catholic Secondary School. In 2013, Tyndale University acquired the property. The proposal is to retain the existing University buildings, which will remain in operation by the University, and develop the area around it to add 1,504 residential units (752 will be affordable rents), indoor and outdoor community amenity spaces and underground parking for 1,165 vehicles and 1,527 bicycles. Amenity areas, including the daycare, café, and flexible use

spaces, will be accessible to the University. The design of the new buildings is intended to compliment the existing University buildings. The University will retain land ownership.³¹

Another similar example of this kind of a development is 405 Shelbourne Street, Toronto, ON. It is a property located in the Cabbagetown Heritage Conservation District that is currently a parking lot and is proposed to be turned into a 22-storey mixed income and mixed-use building with 216 rental units, 108 affordable units, 75 parking spaces and 216 short-term bicycle parking spaces. The importance to the community as a parking area and a walkway between Bleecker Street and Shelbourne Street will be maintained and the new building will be designed to be in keeping with the character of the HCD.³²



<https://www.tyndalegreen.com/>

Figure 12: Rendering of a Streetscape within the Development

³¹ Stephanie Calvet, “Markee Developments Launches with Tyndale Green,” last updated 28 June 2021, accessed 25 April 2022, <https://urbantoronto.ca/news/2021/06/markee-developments-launches-tyndale-green>.

³² Housing Now, “405 Shelbourne Street – Information Street,” last updated November 2020, accessed 25 April 2022, <https://createto.ca/housingnow/wp-content/uploads/sites/2/2020/11/Info-Sheet-405-Sherbourne-FINAL-for-web-1.pdf>.