

## Town of Caledon

### Comments on Proposed changes to the Ontario Heritage Act and O. Reg. 385/21 General with respect to certain alteration requests

#### ERO number

019-7684

Proposal Details and Questions	Commentary / Recommendations
<b>Proposed Statutory Amendments:</b> <ul style="list-style-type: none"><li>The building, or part thereof, to be altered is primarily used for religious practices</li></ul>	<ul style="list-style-type: none"><li>The proposed amendments are meant to apply to buildings used for religious practices, including Indigenous religious or spiritual practices. Limitation of the amendments to buildings represents a Eurocentric interpretation of where/how religious and spiritual practices are undertaken.</li><li>Meaningful consultation with Indigenous communities regarding their religious/spiritual practices should occur to appropriately inform the proposed statutory amendments.</li></ul>
<b>Proposed Statutory Amendments:</b> <ul style="list-style-type: none"><li>The heritage attributes to be altered are connected to religious practices;</li><li>The alteration of the heritage attributes is required for religious practices;</li></ul>	<ul style="list-style-type: none"><li>Clarify who is responsible for confirming that the heritage attributes are connected to, or required for, religious practices, and how confirmation is to be achieved.</li></ul>
<b>Proposed Statutory Amendments:</b> <ul style="list-style-type: none"><li>The changes would ensure that they can continue their religious practices or Indigenous religious or spiritual practices with limited interruptions or complications should they need to alter a property designated under the OHA.</li></ul>	<ul style="list-style-type: none"><li>This rationale suggests the religious groups have been able to undertake their practices in these places prior to any alterations. It is unclear how the proposed special accommodations for consent to alterations would benefit/improve continuation of religious or spiritual practices as interruptions or complications to these practices would more likely arise during construction/implementation of the alterations.</li></ul>
<b>Timelines:</b> <b>Question:</b> Is 30 days a sufficient time for municipalities to process applications and determine if they are complete?	<ul style="list-style-type: none"><li>A 30 day timeline is sufficient <u>only</u> for those municipalities where approval authority for alteration requests to designated properties has been delegated to staff.</li><li>In Caledon, for example, the proposed 30 day timeline could not be met, as the standard timeline for staff to meet internal review</li></ul>

	<p>processes and timelines in advancing staff reports to council is 45-60 days.</p> <ul style="list-style-type: none"> <li>Clarity is requested regarding timelines to confirm that Council's deeming an application 'complete' equates to it providing 'consent'.</li> </ul>
<p><b>Conditions:</b></p> <ul style="list-style-type: none"> <li>By requiring that a religious organization is a registered charity, additional supporting information can be required to be provided beyond the completion of an affidavit or sworn declaration.</li> </ul>	<ul style="list-style-type: none"> <li>It is unclear how the requirement for the religious organization to be a registered charity is connected to the Province's ability to require 'additional supporting information', or what that 'additional supporting information' is to entail.</li> <li>Clarity is needed regarding the definition of 'additional supporting information'.</li> <li>Further, since 'additional information' is not included in the list of proposed Application Requirements, clarity is needed about when the 'additional supporting information' can be required.</li> </ul>
<p><b>Conditions:</b></p> <p><b>Question:</b> Are there any further conditions that should be applied to these types of applications?</p>	<ul style="list-style-type: none"> <li>If the applicant is a tenant, written consent of the owner to the proposed alteration should be a condition.</li> </ul>
<p><b>Application Requirements:</b></p> <p><b>Questions:</b> Is the list of information and materials required as part of complete application sufficient? Are there any materials or information that is missing or should be removed?</p>	<ul style="list-style-type: none"> <li>The description of the property should identify which building on the property the application applies to.</li> </ul> <p>Additional requirements:</p> <ul style="list-style-type: none"> <li>Photographs of the identified building</li> <li>If the application benefits a tenant, written consent from the owner for the proposed alteration</li> <li>A description of how the heritage attribute to be altered is connected to religious practices</li> <li>A description of how the proposed alteration is required for religious practices</li> <li>Photographs of the attribute(s) to be altered</li> <li>Drawings of the proposed alteration</li> <li>Confirmation (after consultation with municipal building services) whether or not the proposed alteration requires a Building Permit</li> </ul>
<p><b>Proposed Definition:</b></p> <p>(i) With respect to an application for the benefit of an Indigenous community or organization, a building that the Indigenous community or organization has identified as a place used for</p>	<ul style="list-style-type: none"> <li>'Building' assumes a Eurocentric view of where religious or spiritual practices are undertaken. The scope of the amendment should be broadened beyond buildings to include, at minimum, structures.</li> </ul>

<p>Indigenous religious or spiritual practices; or</p>	<ul style="list-style-type: none"> <li>The terms used to describe areas of religious or spiritual practice should only be finalized following meaningful consultation with Indigenous communities/organizations.</li> </ul>
<p><b>Proposed Definition:</b>  <b>Questions:</b> Are the types of buildings listed considered by religious organizations to be reflective of what are commonly thought of, or referred to as a place of worship? Do Indigenous communities and organizations consider the definition as reflective of buildings where their religious and spiritual Indigenous practices might take place? Are there modifications or additions to the definition that religious organizations, Indigenous communities or Indigenous organizations would suggest?</p>	<ul style="list-style-type: none"> <li>These questions suggest the Province has not consulted Indigenous communities/organizations or religious organizations prior to proposing these legislative amendments. Lack of initial consultation in the face of a planned January 1, 2024 Royal Assent suggests the proposed changes are premature and potentially inappropriate.</li> </ul>
<p><b>Regulatory Impact Assessment:</b>  <b>Questions:</b> For municipalities:</p> <ol style="list-style-type: none"> <li>How many applications do you receive each year from municipally designated heritage properties that are primarily used for religious practices or Indigenous spiritual or religious practices requesting an alteration to identified heritage attributes connected to those practices?</li> <li>How long does it typically take to review such an application (in hours)? How long do you believe it would take under the revised process and requirements?</li> <li>What level of employee in your organization typically undertakes this work (e.g., administrative staff, management)?</li> </ol>	<ol style="list-style-type: none"> <li>0-1 annually</li> <li>Heritage Permit applications for alterations to properties used primarily for religious purposes typically take about 7 hours (one working day) to review to determine completeness; this timeline is impacted by workload, as having consecutive hours for review and/or consultation with other staff/departments as necessary is atypical. This timeline does not include hours required to process and provide formal notice of consent.   The revised process and requirements would likely take 3-7 hours to review for completeness and consult with other departments where necessary to confirm veracity of affidavit and other submission materials.</li> <li>Heritage Planning staff</li> </ol>