



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-078 **COMMITTEE DATE:** 2024-05-14
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-05-28

SUBJECT: Architectural Conservancy Ontario Request Deadline Extension for Listed Properties – Municipal Council Support

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council endorses support of the Architectural Conservancy Ontario (“ACO”) request to the Province to extend the deadline for the removal of listed properties from the Municipal Heritage Register;
- 1.2 Council endorses the motion template provided by ACO, as attached as **Appendix I**; and
- 1.3 The Clerk be authorized to send the letter to the Premier on behalf of Council and the letter be circulated to area municipalities and MPPs.

2. EXECUTIVE SUMMARY

- Bill 23, the *More Homes Built Faster Act, 2022* (Bill 23) has implemented changes to the *Ontario Heritage Act* (OHA) as of January 1, 2023. These changes include a 2-year time limit for retaining Listed Properties on the Municipal Heritage Register.
- While the Town has taken steps to prioritize and move individual Part IV designations, the reality is that it will be impossible to designate 200 listed properties by the January 1, 2025 deadline.
- Concerns were raised by various heritage professionals and organizations throughout Ontario to urge the Provincial Government to take steps to amend Bill 23 or to extend the timeline for the removal of the Listed Properties. The Town has also submitted several delegations at both AMO and ROMA on the topic.
- Architectural Conservancy Ontario’s (ACO) Government and Community Relations Committee has reached out to the Premier to request an extension for the deadline until January 1, 2030 for listed properties (**Appendix II**).
- Many heritage advisory committees, municipalities and professional organizations across the Province have lent their support to ACO’s efforts.
- Staff recommend Council support ACO and endorse the Municipal Council Motion prepared by ACO (**Appendix I**) and that the Clerk send a letter to the Premier on behalf of Council.

3. PURPOSE

The purpose of this report is to provide background information to Council regarding the heritage designation efforts being carried out by Town Staff as a result of Bill 23 and the efforts of ACO and other municipalities to request the Premier grant an extension to the deadline for the removal of Listed Properties from the Municipal Heritage Register.

4. BACKGROUND

4.1 *More Homes Built Faster Act, 2022 – Changes to the Ontario Heritage Act*
Bill 23, the *More Homes Built Faster Act, 2022*, has made significant changes to the *Ontario Heritage Act* (OHA) as it relates to listing heritage properties on the Town's Register of Properties of Cultural Heritage Value or Interest ("Municipal Heritage Register") as of January 1, 2023, among other things.

Specifically, changes related to the Listed Properties and the Municipal Heritage Register include:

- The requirement to remove a Listed Property from the Heritage Register two years from the date that it is added to the Heritage Register. For properties already Listed on the Heritage Register as of January 1, 2023, the two-year timeframe for removal commenced on January 1 and properties will be removed from the Register as of January 1, 2025.
- Once removed from the Heritage Register, a property may not be re-listed for 5 years.
- A Listed Property must also now be removed from the Heritage Register if Council has served notice of intention to designate the property under Section 29 and any of the following occurs:
 - Council withdraws the notice of intention to designate;
 - Council does not pass a by-law designating the property within 120 days; or
 - Council passes a by-law designating the property but the by-law is repealed.

Listing on the Heritage Register provides interim protection from demolition, but once removed, properties are no longer afforded protection from demolition. The Town has almost 200 properties that are Listed (non-designated) on the Municipal Heritage Register.

4.2 The Town's Efforts

In May 2023, Staff presented Report CDS-23-101 (**Appendix III**) to outline an approach for prioritizing designation of properties listed on the Town's Municipal Heritage Register. This report was followed with a report in September 2023, CDS-23-200 (**Appendix IV**), for approval and input on an [initial set of priority heritage properties](#) (linked). In February 2024, Staff provided an update of the ongoing heritage designation efforts through CDS-24-023 (**Appendix V**) and requested endorsement of [another set of heritage properties](#) (linked) for priority designations and provided a [status update on the initial set](#) (linked). Properties were prioritized on the basis that if lost due to demolition, neglect or inappropriate alteration, it would result in the substantial loss of a piece of Niagara-on-the-Lake history or identity.

The priority designation work is being undertaken as part of Council's Planning for Progress work. The Town Staff has been working diligently, in partnership with the MHC, to carry out the

heritage designations. The Town currently has 12 Part IV individual designations underway at various stages of the designation process as of May 2024.

Address	Title	Status
130 Front Street	William Kirby House	By-law passed & registered
12 Princess Street	(former) St. Saviours Anglican Church	By-law passed & registered
1 Paxton Lane	Locust Hall	Objection
1294 McNab Road	(former) Anglican Christ Church	By-law passed
14795 Niagara River Parkway	Glencairn	By-law passed
46 Johnson Street	Barker Hall	NOID objection phase
23 Vincent Street	Peake Inn	NOID objection phase
463 King Street	Thomas Best House	NOID
287 Warner Road	Warner House	NOID
15618 Niagara River Parkway	The Grand Victorian	Draft by-law
14 Wesley Avenue	Lansdowne Villa	Draft by-law
1413 Lakeshore Road	Roselawn	Designation report endorsed

In addition to the individual designations, a review and expansion of the existing Queen-Picton Heritage Conservation District has also been initiated to provide protection to heritage properties located within the future expansion boundary within the Old Town urban area. Through the initial boundary suggested by Town Staff, approximately 70 Listed Properties would be protected. The initial boundary considered the National Historic District and the work completed through the Downtown Character Study.

In consultation with the MHC, the Town Staff is also working to create a process for listing new properties to the Register for the year 2025. Staff presented Report CDS-24-044 (**Appendix VI**) to propose an approach to identify, survey, map, and photo document the potential properties and to conduct a preliminary evaluation of each property before inclusion in the heritage register. As a part of this process the Staff has also prepared draft Built Heritage Survey Forms and Preliminary Evaluation Forms (**Appendix VII**).

5. DISCUSSION/ANALYSIS

The Town of Niagara-on-the-Lake currently has 200 listed properties on the Municipal Heritage Register. Of these 200 properties, approximately 70 are anticipated to be protected by the expansion of Queen-Picton Heritage Conservation District and approximately 25 to 30 are anticipated to be individually designated, through the efforts of Town Staff, by the end of 2024. Despite all the efforts, the Town might see removal of about 100 listed properties from the Municipal Heritage Register.

On the larger provincial scale, according to the Ministry of Citizenship and Multiculturalism, the changes to the *Ontario Heritage Act* have impacted 36,000 listed heritage properties in over 100 municipalities. Most of the municipalities have raised concerns over issues of limited resources and staffing to get through their listed properties. In order to provide support to the municipalities, ACO has launched a campaign to request for an extension for the deadline of listed properties, from Ontario's Premier.

ACO is asking that Subsection 27(16) of the Ontario Heritage Act be amended in the spring session of the Legislature, to extend the deadline in the Act for five years, from January 1, 2025 to January 1, 2030.

The ACO is encouraging local municipalities, heritage advisory committees and professional organizations to lend support to this cause. ACO has also provided a copy of their letter to Premier Ford (**Appendix II**) and templates for council motion in support of an extension (**Appendix I**). The spring session of the Ontario legislature continues until mid-June, therefore, ACO is encouraging municipalities to send in their support letters to increase the possibility of a discussion at the provincial level.

Currently, approximately 25 municipalities have sent council motions in support or have them scheduled to be sent in the next few weeks. The list of municipalities in support:

Motion already passed:

1. Innisfil
2. Kitchener
3. Waterloo
4. Cambridge
5. Cobourg
6. Markham
7. Oro-Medonte
8. Halton Hills
9. Amherstburg
10. Richmond Hill
11. Newmarket
12. Chatham
13. Lincoln
14. Bluewater
15. King
16. Huntsville
17. Windsor

Waiting to be passed:

1. Caledon
2. Collingwood - May
3. Springwater – early May
4. Vaughan – late May
5. Whitchurch-Stouffville - May
6. Milton

Staff has also delegated to the Minister of Citizenship and Multiculturalism on several occasions at AMO and ROMA requesting relief from the pending January 1, 2025 deadline. Our ask has been to allow the listed properties existing on the Municipal Heritage Register prior to January 1, 2023 to remain and to apply the timeframe to those properties listed after January 1, 2023. While the Minister has been positive and understanding during these

delegations, no changes to the *Ontario Heritage Act* provisions or deadline have been introduced to date.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

2. Good Governance

Priority

2.3 Advocacy & Government Relations

Action

2.3 b) Government Relations

7. OPTIONS

7.1 Option 1: Support ACO's motion and send letter to the Premier (***Recommended***)

7.2 Option 2: Do nothing (*Not Recommended*)

8. FINANCIAL IMPLICATIONS

There are no financial implications to passing the motion lending support and sending a letter to the Premier.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. COMMUNICATIONS

If the Clerk is authorized by Council, a letter would be sent to the Premier indicating the Town's support of ACO's campaign to request for an extension for the deadline of listed properties.

11. CONCLUSION

The Town of Niagara-on-the-Lake is well known both nationally and internationally for our distinct heritage character. The Town has taken several steps to protect our history and character as outlined in this report. Once the deadline for the removal of listed properties passes, approximately 100 properties would lose the current protection from demolition and the ability to be re-listed for 5 years. Therefore, the Town Staff recommends lending support to ACO to request for an extension to the deadline of listed properties from January 2025 to January 2030 to provide adequate time to municipalities to designate the currently listed properties on their respective Municipal Heritage Register.

12. PREVIOUS REPORTS

Not applicable

13. APPENDICES

- **Appendix I** – Council Motion Template
- **Appendix II** – ACO Letter to Premier Doug Ford

- **Appendix III** – Bill 23 Implications – A Workplan for Designation HER-14-2023 - CDS-23-101
- **Appendix IV** – Bill 23 Implications – A Workplan for Priority Designations from the Heritage Register – Phase I Update
- **Appendix V** – Priority Designation Work - Phase I Updates - CDS-24-023
- **Appendix VI** – Designation Work - Next Steps 2025 - CDS-24-044
- **Appendix VII** – Built Heritage Survey and Evaluation Forms

Respectfully submitted:

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