

REPORT

Planning and Development Council

Meeting Date: May 15, 2023

FROM: Planning Services Department

DATE: May 2, 2023

SUBJECT: Heritage Designation Project 2023-2025

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

That the report dated May 2, 2023, from the Planning Services Department, be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The town's Heritage Register contains 294 listed properties that have been identified as having cultural heritage value and that may meet the criteria for heritage designation.
- Amendments have been made to the *Ontario Heritage Act* through Bill 23 requiring listed heritage properties to be removed from the Heritage Register after two years. This affects the town's 294 listed properties.
- In response, the Policy Planning & Heritage section has initiated a Heritage Designation Project to designate approximately 80 listed properties from 2023 to 2025 to conserve Oakville's cultural heritage resources.

BACKGROUND:

In October 2022, Ontario's Ministry of Municipal Affairs and Housing introduced Bill 23, *More Homes Built Faster Act, 2022*. The bill received Royal Assent on November 28, 2022.

The bill included several amendments to the OHA, all of which came into effect as of January 1, 2023. There was one exception of a requirement related to online registers which will come into effect July 1, 2023.

Within these changes are two specific amendments related to listed properties that led to this Heritage Designation Project. The amendments impact the 294 listed properties that are on the town's Heritage Register. These are properties that have been identified as having cultural heritage value that may meet the criteria for heritage designation but have not yet been designated.

The two amendments are as follows:

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register. 2022, c. 21, Sched. 6, s. 3 (4).

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. 2022, c. 21, Sched. 6, s. 3 (4).

This first amendment requires that listed properties added to the Register *after* January 1, 2023 be removed from the Register on or before the second anniversary of the property being added to the Register. This does not apply to cases where Council has given notice of intention to designate the property.

The second amendment requires that listed properties added to the Register *before* January 1, 2023 be removed from the Register by January 1, 2025. This does not apply to cases where Council has given notice of intention to designate the property.

These amendments require that properties only be listed for a period of two years. After they are removed from the Register following these two years, they cannot be added back on the Register as listed properties for another five years.

In Oakville, this means that the existing 294 listed properties are at risk of being removed from the Register as of January 1, 2025.

COMMENT/OPTIONS:

Heritage designation project initiated

To respond to these amendments, the Policy Planning & Heritage section determined that the best course of action is to designate as many of the listed properties as possible, provided that they meet the criteria for designation, before January 1, 2025.

The Community Development Commission supported this goal and endorsed the hiring of two additional heritage planners to undertake research and evaluation of listed properties for potential designation. These two full-time contract positions are for approximately two years, ending in early 2025.

During the two-year timeframe, both heritage planners will be producing Cultural Heritage Evaluation Reports (CHERs) for listed properties. These documents will provide an overview of the property's history and current conditions. The CHERs will also include an evaluation against Ontario Regulation 9/06. This is the criteria prescribed by the OHA to determine if a property is worthy of designation under Part IV of the OHA. Each CHER will make a recommendation as to whether the property should be designated under Part IV of the OHA.

Given that it takes approximately two weeks of full-time work to complete a CHER, and that we have two full-time staff who can complete the work over the course of about 24 months, Heritage Planning staff has set an ambitious goal of completing CHERs for 80 properties by January 1, 2025.

These 80 properties account for approximately one third of the total amount of listed properties. However, several listed properties have already been evaluated for designation and are currently protected through Heritage Easement Agreements. Additionally, many properties on the Register do not meet the criteria for designation.

Assessment of existing listed properties

To determine how many properties have strong potential to meet the criteria for designation, Heritage Planning staff completed a preliminary and general assessment of each listed property. This assessment was done in accordance with Ontario Regulation 9/06 criteria and included an evaluation of each property's design/physical value, historical/associative value and contextual value. Staff looked at questions such as:

- Design/physical value

- i.e., in viewing the physical property, is it a strong example of a particular architectural style, does it retain many of its architectural features, is it an early example of its kind, etc.
- Historical/associative value
 - i.e., in looking at records we already have on the property, are there known connections to significant people, events, organizations, etc.
- Contextual value
 - i.e., in viewing the physical property in its surrounding context, does it play a significant role in the surrounding streetscape, is it a landmark, etc.

After completing this initial assessment of the 294 listed properties, Heritage Planning staff determined that there were approximately 100 properties that have strong potential to meet the criteria for designation. Since not all 100 properties will be designated within the two-year timeframe, staff is prioritizing properties that have development potential to ensure they are designated before January 1, 2025.

This is especially important since one of the recent amendments to the OHA requires that any property that is subject to a planning application (i.e. Zoning By-law Amendment, Official Plan Amendment or Plan of Subdivision) must be listed prior to being designated. If a listed property is removed from the Register after January 1, 2025, Council may only give notice of intention to designate if the property is not subject to a planning application. Therefore, it is imperative that candidates for designation with development potential be designated prior to January 1, 2025.

Policy basis for heritage designation

Legislative and policy documents at the provincial, regional and municipal levels provide clear direction and support for the protection of cultural heritage resources through designation under the OHA. An overview of these documents is provided below.

Provincial Policy

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (1990, as amended), *Planning Act* (1990, as amended) *Provincial Policy Statement* (2020), the *Growth Plan for the Greater Golden Horseshoe* (2019).

Section 2.6 of the *Provincial Policy Statement (PPS)* relating to Cultural Heritage and Archaeology states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The PPS defines “significant”, in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Further, the PPS and Growth Plan both define “conserved” as:

the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained...

The PPS and Growth Plan function together with the Ontario Heritage Act (OHA) by the shared principle that cultural heritage resources shall be conserved. The OHA sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

Regional Policy – Region of Halton Official Plan

The Region’s Official Plan includes the following objective for Strategic Growth Areas: “To conserve cultural heritage resources in order to foster a sense of place and benefit communities in Strategic Growth Areas.”

Section 165 of the Official Plan further confirms that “The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations.”

Town Policy – Livable Oakville Plan

Section 5 of the Livable Oakville Plan states, “Conservation of cultural heritage resources forms an integral part of the town’s planning and decision making. Oakville’s cultural heritage resources shall be conserved so that they may be experienced and appreciated by existing and future generations, and enhance the Town’s sense of history, sense of community, identity, sustainability, economic health and quality of life.”

Further, Section 5.3.1 of the Livable Oakville Plan states, “The Town shall encourage the conservation of cultural heritage resources identified on the register and their integration into new development proposals through the approval process and other appropriate mechanisms.” The Livable Oakville Plan is clear that cultural

heritage resources should not only be conserved, but also incorporated into new developments. Commemoration is not considered 'conservation'.

Section 7.2.3.7 of the North Oakville East Secondary Plan (NOESP) and section 8.2.4.6 of the North Oakville West Secondary Plan (NOWSP) include the following development objective for the lands north of Dundas Street: "To encourage, where appropriate and feasible, the incorporation of cultural heritage resources, including their adaptive reuse, as part of the development."

In evaluating development applications, both the NOESP and the NOWSP state that the Town shall "Encourage the use or adaptive reuse of cultural heritage resources, or key components of such resources, whenever possible as part of the new development in situ, or on an alternate site."

More detailed conservation strategies, including guidelines on pro-actively designating cultural heritage resources, are included in the North Oakville Heritage Resources Review and Strategy and the Bronte Heritage Resources Review and Strategy.

All of these documents support the designation of cultural heritage resources as a way of improving communities. Designation is not meant to prevent change, but to help manage it to protect the character and uniqueness of place.

Future considerations

This project has raised questions about how the Heritage Planning section in Oakville will be impacted by these designations in the future. For example, will the additional designations result in a significant increase in heritage permits and heritage grant applications? Will this workload be manageable for the regular Heritage Planning team once the additional contract positions have ended?

Heritage Planning staff will be monitoring these issues during the next two years and in the years that follow.

A separate report on this matter was presented to the Heritage Oakville Advisory Committee on April 25, 2023. The Committee supported the staff recommendation to receive the report.

CONSIDERATIONS:

(A) PUBLIC

Heritage Planning staff will continue to communicate and work with owners of property recommended for heritage designation.

(B) FINANCIAL

Additional properties to be designated will be eligible for the Heritage Grant Program, which is funded by the Heritage Reserve Fund.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Heritage Planning staff will continue to work with Legal, Clerk's and Strategy, Policy and Communications to process designations and provide public notice.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The designation and conservation of properties of cultural heritage value contributes to the town's initiatives to reduce carbon footprints.

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