

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM: Planning Services Department

DATE: May 30, 2023

SUBJECT: Ontario Heritage Act Alternative Notice Policy

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

That the *Ontario Heritage Act* Alternative Notice Policy be approved.

KEY FACTS:

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

- The *Ontario Heritage Act* requires notices to be published in a newspaper having general circulation in a municipality.
- The *Ontario Heritage Act* and the *Municipal Act* allow municipalities to adopt policies to publish notices in alternative media, such as a website.
- Staff is recommending that the town adopt the proposed *Ontario Heritage Act* Alternative Notice Policy, attached as Appendix A, to permit the municipality to publish notices required by the *Ontario Heritage Act* on the town's website.

BACKGROUND:

In November 2022, Ontario's Ministry of Municipal Affairs and Housing passed Bill 23, *More Homes Built Faster Act, 2022*. The bill included several amendments to the *Ontario Heritage Act* (OHA), including a new two-year time limit for listed (non-designated) properties on municipal heritage registers. This change means that the 294 listed properties on the Oakville Heritage Register must be removed by January 1, 2025.

In response to this amendment, the staff initiated the Heritage Designation Project 2023-2025 with the goal of designating as many of the town's listed properties as possible, provided they meet the criteria for designation, before January 1, 2025. Given the enormity of the task, staff is looking at ways to streamline the designation

process as much as possible. This includes an alternative process for issuing notices under the OHA.

COMMENT/OPTIONS:

Current Process

The *Ontario Heritage Act* (OHA) requires that public notice be given in a local newspaper for the following actions taken under Part IV and Part V:

- Designation of property under Part IV, including intents to designate, withdrawals, passing of by-laws and any related OLT hearings;
- Amendments to designation by-laws under Part IV, including withdrawals and passing of by-laws;
- Repeals of designation by-laws under Part IV, including intents to repeal, withdrawals and passing of by-laws;
- Decisions on the demolition or removal of a property's heritage attributes or of a building or structure under Part IV; and
- Passing of by-laws designating a study area or area under Part V and adoption of heritage conservation district plan under Part V.

In accordance with these requirements, the town has always published notices required by the OHA in the Oakville Beaver. The OHA also requires additional notification to property owners and the Ontario Heritage Trust by mail. This notification process is not impacted by the proposed policy and the town's existing mailing notification process will remain in place.

As part of the Heritage Designation Project 2023-2025 (Designation Project), the increase in heritage designations will result in a significant increase in the number of published notices. An average designation, that is not appealed or withdrawn, requires two published notices. In an average year, the town designates three to four properties, resulting in about six to eight notices in the newspaper. However, as part of the Designation Project, approximately 160 notices will need to be published for 80 properties over the next two years.

Coordinating these publications in the newspaper takes extra staff time but it also costs a considerable amount of money. To provide consistent and clear information to the public, public notices have become increasingly detailed and lengthy, and therefore more costly when published in a newspaper.

Proposed Alternative Process

Staff is recommending that the town implement an alternative notice procedure to publish *Ontario Heritage Act* (OHA) notices on the town's website rather than the local newspaper. This can be done by adopting the *Ontario Heritage Act* Alternative Notice Policy, attached as Appendix A. This type of policy is permitted by both the *Ontario Heritage Act* (OHA) and the *Municipal Act* (MA) as outlined below.

Sections 26 (4) and 39.1 (3) of the OHA:

Publication of Notice

Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act, 2001* is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (1).

Section 270 (1.4) of the *Municipal Act* (MA):

Adoption of policies

A municipality shall adopt and maintain policies with respect to the following matters:

4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

Once a municipality adopts a policy in accordance with MA 270 (1.4), they may then use OHA 26 (4) and 39.1 (3) to provide notices under Part IV and Part V of the OHA through an alternative medium, such as a municipal website. This is the direction recommended by staff in the attached *Ontario Heritage Act Alternative Notice Policy*.

The town's News and Notices webpage is considered by staff to be the most appropriate medium for notices under the OHA for the following reasons:

- 1) Convenience and availability
 - The town has been publishing public notices for Council decisions on its website for many years and the public has become accustomed to consulting the town's website
 - Not every resident receives the Oakville Beaver, including owners of new buildings where there is often a delay in distribution after a building's construction is complete
- 2) Reduction in staff time
 - Publishing to the town's website is a fairly quick internal process that does not require interaction and time spent with outside sources
- 3) Reduction in cost
 - Publishing to the town's website does not have any direct costs compared to the costs for publication in the newspaper
 - Being fiscally sustainable is one of the guiding principles of the town's Public Notice and Engagement Policy

4) Reduction in paper materials

- Reducing consumption and increasing efficiency in resource and material use is a goal of the town's Environmental Strategic Plan

Best practices

It is becoming increasingly common for municipalities to choose their websites as the alternative medium for publishing statutory public notices. Staff consulted with other Ontario municipalities on this matter and found that most larger municipalities have already passed an alternative notice policy, or are in the process of doing so in response to Bill 23. These municipalities include Brampton, Markham, Mississauga, Ottawa and Toronto. The proposed policy attached as Appendix A has been drafted with consideration of the alternative notice policies that have been passed or are currently being proposed in these municipalities.

To provide good customer service to the town's residents, the proposed policy allows for notices required under the OHA to still be published in the local newspaper, in addition to the website, if considered by staff to be beneficial and appropriate. Staff plans to publish notices in the Oakville Beaver in the following circumstances:

- After the adoption of the *Ontario Heritage Act* Alternative Notice Policy to direct readers to the town's website for future OHA notices
- Occasional reminders of the new process, directing readers to the town website
- All notices related to heritage conservation districts

The Livable Oakville Plan sets out alternative notice procedures for notices required under the *Planning Act* in section 28.20. It may be appropriate to undertake a housekeeping amendment to the Livable Oakville Plan to also include information on alternative notice procedures for notices required under the OHA, referencing the *Ontario Heritage Act* Alternative Notice Policy attached as Appendix A.

Conclusion

Staff is recommending that the *Ontario Heritage Act* Alternative Notice Policy be adopted to provide convenient, efficient, cost-effective and climate-friendly notification to the public.

The attached policy has been reviewed and supported by the town's Policy Review Admin Group. If adopted, the policy will be added to the town's existing Policies and Procedures.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee at its meeting on May 30, 2023. The Committee supported the staff recommendation to approve the policy.

CONSIDERATIONS:

(A) PUBLIC

If adopted, the *Ontario Heritage Act* Alternative Notice Policy will impact the way in which the public notices are published under the *Ontario Heritage Act*.

(B) FINANCIAL

If adopted, the *Ontario Heritage Act* Alternative Notice Policy will provide cost savings to the town.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals to:

- enhance our cultural environment; and
- 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 greenhouse gas emissions. The adoption of the proposed notification process supports the town's climate initiatives by minimizing the amount of paper used to produce public notifications.

APPENDICES:

Appendix A - *Ontario Heritage Act* Alternative Notice Policy

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