

Subject: Town of Oakville comments regarding ERO 025-0418 – Proposed Amendments to the Ontario Heritage Act, Schedule 7 of the Protect Ontario by Unleashing our Economy Act, 2025

Comments – Overview

In April of 2025, the Provincial Government released the Protect Ontario by Unleashing our Economy Act, 2025, which impacts several different provincial acts and their associated legislation. Schedule 7 of the proposed amendments focuses on changes to the *Ontario Heritage Act* regarding the exemption of archaeological assessments prior to development. Town staff have two major concerns:

- The exemption of archaeological assessments before development; and
- The lack of criteria for possible exemption before the passing of the Bill.

Background

In July of 2025, the Region of Halton transitioned most of their planning responsibilities to the municipalities of Halton, including Oakville through the Bill 185, the Cutting Red Tape to Build More Homes Act, 2024. This gave the Town responsibility over archaeological assessments in our jurisdiction and when they would be required for development (Region of Halton Official Plan 167(6)).

The Town of Oakville is thus guided by these policies, as well as Section 5.4 of Livable Oakville, to manage archaeological assessment requirements prior to development.

Archaeological assessments are an essential step in the land use planning process and are integral to Indigenous self-determination. Today, Truth and Reconciliation and archaeology are intertwined concepts. Archaeology can offer a tangible connection to Indigenous history, culture, and connection to the land, which is crucial for reconciliation efforts. Indigenous monitors are required to be on-site for Stage 3 and 4 archaeological assessments according to the Province's Standards and Guidelines for Consultant Archaeologists (2011). This process is crucial for reconciliation efforts, which should not only be a municipal priority, but a provincial one as well.

According to the Province's own Provincial Policy Statement (2024), "Ontario will continue to recognize the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. Meaningful early

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engagement and constructive, cooperative relationship-building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.” Town staff feel that these amendments are in direct opposition to this statement.

Bill 5 Schedule 7: The Ontario Heritage Act

A proposed amendment of concern would allow for “the exemption from archaeological requirements where it could potentially advance specified provincial priorities”. These priorities are generally listed as:

- Transit
- Housing
- Health
- Long-term care
- Other infrastructure or such other priorities as may be prescribed

If passed, this would exempt property from:

- Any requirements in Part VI (six) of the Ontario Heritage Act (OHA) or in regulation related to Part VI of the OHA; or
- A requirement to conduct an archaeological assessment set out in any other Act or regulation, or instrument under any other Act, other than the Funeral, Burial and Cremation Services Act, 2002.

The amendments would include an authority to establish criteria that must be met for a property to be eligible for exemption, but this would not occur until after the passing of the legislation. The proposed amendments state the Ministry of Citizenship and Multiculturalism plans to consult separately on potential criteria for exemptions.

Affected Legislation

As noted above, archaeological assessments prior to development are prescribed through other Provincial Acts. Other affected legislation from these proposed amendments would be:

- Ontario Heritage Act
- Environmental Assessment Act
- Planning Act – PPS 2024

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- Municipal Act

Comments on the Exemption of Archaeological Assessments

Many municipalities and regions across Ontario require developers to hire consultant archaeologists to conduct archaeological assessments prior to soil disturbance of a property if the property is deemed to have archaeological potential. The assessments are conducted early in the development and rarely slow down the project.

The only situation where assessments may potentially slow down timelines is after the reports have been submitted to the Ministry of Citizenship and Multiculturalism, which must review them before development begins. This portion often takes longer than the assessment itself, due to lack of staffing, and is not due to the permitting or municipal planning process.

The proposed amendment's "provincial priorities" are vague. If developers can go forward without requiring an archaeological assessment in areas of archaeological potential under the Town's (once the Region's) Archaeological Management Plan, it could cause many issues. These amendments:

- Could cause lasting damage with Indigenous communities;
- Ignore our provincial and municipal responsibilities to Truth and Reconciliation;
- Cause more sites, burials, and artifacts to be found out of context and potentially damaged during the work as opposed to before, which creates work stoppages, expenses, and investigations; and
- Allow for portions of Oakville's physical history to go unrecorded and unknown.

Comments on Exemption Criteria

The proposed amendments state the Ministry of Citizenship and Multiculturalism plans to consult separately on potential criteria for exemptions.

However, consultation for exemptions after the passing of legislation is too late. It is unclear what would be considered for exemption and leaves the possibility that nearly any kind of development, project, site, and location could be eligible, therefore negating the very real and important need for archaeological assessments prior to development.

Suggestions to Resolve Issues

- Require criteria for exemptions to be determined before passing the legislation;

- Allow municipalities and Indigenous communities to comment on potential criteria for exemption eligibility;
- Hire more staff at the Ministry of Citizenship and Multiculturalism to review archaeological assessments to quicken report reviews which is one of the only points of potential slowdowns; and
- Leave the requirement for archaeological assessments under the jurisdiction of the municipalities, as suggested by The Planning Act, the Ontario Heritage Act, The Environmental Assessment Act, and the Municipal Act.

In Conclusion

Town staff are not in support of the proposed amendment regarding archaeological assessment exemption. Staff believe that, due to the early nature of archaeological assessments in development projects, which are conducted before any other required work for permits, they do not slow down nor inhibit development of provincial priorities. The importance of archaeological assessments and Indigenous participation in them in terms of our government responsibility for Truth and Reconciliation and Indigenous consultation far outweighs the need for potential quickened development timelines.

Thank you for the opportunity to review and comment. Oakville staff hopes that these comments assist in adjustments and revisions to the document as well as guide future collaboration ensuring the continued protection of Ontario heritage.