



City of
Peterborough

To: Members of the Peterborough Architectural Conservation Advisory Committee

From: Erik Hanson, Heritage Resources Program Manager

Meeting Date: February 2, 2023

Subject: Proposed Bill 23 Strategy, Report PACAC23-005

Purpose

A report to identify strategic priorities regarding the changes to the **Ontario Heritage Act** through the implementation of Bill 23 to the Peterborough Architectural Conservation Advisory Committee (PACAC) for their consideration.

Recommendation

That PACAC approve the recommendation outlined in Report PACAC23-005, dated February 2, 2023 of the Heritage Resources program manager as follows:

That the identified strategic priorities for the protection of heritage resources under Bill 23 be received for information.

Budget and Financial Implications

There are no budget or financial implications associated with the recommendation.

Background

Bill 23, the More Homes, Built Faster Act was passed by the provincial government in November 2022. The Act includes amendments to legislation related to land use planning and processes associated with it, including the **Planning Act**, the **Municipal Act**, the **Heritage Act** and others. Amendments to the **Ontario Heritage Act** are

included in Schedule 6 of the bill and make changes to processes related to heritage properties. These amendments came into force on January 1, 2023.

As of January 1, 2023, properties listed on the City's Heritage Register must be removed from the Register two years after the date of listing – or two years after the date of Bill 23 coming into force, unless a Notice of Intention to Designate is issued by Council for the property. Properties removed from the Register may not be re-added to the Register for five years following their removal. This will require a detailed review of the Heritage Register to identify which properties to research and recommend to PACAC for their consideration and recommendation to Council for designation.

Once a property is removed from the Register, it may still be Designated, if there are no **Planning Act** applications underway for them. When a property is subject to a prescribed event, understood to be certain **Planning Act** applications – a Notice of Intention to Designate may only be issued if the property is already Listed on the City's Heritage Register and remains Listed until the application is closed out. This means that the nearly 700 listed properties must be either designated within the next two years, identified for protection in some other way or allowed to be removed from the Register.

Staff is recommending that priority for designation under Part IV of the Act be given to Listed properties meeting the following criteria:

- Individually significant properties in the downtown core
- Individually significant properties within the city including landmark and unique properties with high cultural heritage value and significance
- Properties in areas identified for intensification and redevelopment

Municipalities must also remove a Listed property from the Register if Council issues a Notice of Intention to Designate and either withdraws it or does not pass a by-law within the 120 day limit as prescribed by the **Act**. In this case, the property cannot be added to the Register for five years after its removal.

Alternative Approaches

HPO staff have met with staff from the Planning Division to discuss alternative strategies for identifying and protecting properties currently on the Register. Beyond the plan for individual designation described, consideration is being given to the use of broad design guidelines for neighbourhoods with a high concentration of listed properties like the Dickson Mills area, for which a Neighbourhood Character Area study was completed last year. While these would not be underpinned by legislated protection, they will provide the community with an outline of best practices for conserving the overarching heritage values of the area.

Staff is also reviewing the possibility of a zoning overlay which would identify properties within defined areas as having heritage value. Again, this approach brings with it no

legislated mandate for compliance, but it will provide a flag at the outset of development discussions with project proponents that there may be heritage resources impacted by a project. HPO staff is also considering resurrecting the City's heritage inventory that was discontinued with the introduction of Listings on the Register. The inventory is not a statutory document like the Heritage Register, but it can provide basic background for review and consideration prior to review of planning applications. Finally, there are several planning tools that are worthy of consideration, the update to the Central Area Master Plan and the development of secondary plans for the older areas of the city which are recommended in the updated Official Plan and could include heritage guidelines. However, these are long term planning initiatives and will not provide protection within the two year timeline for addressing the current Register properties.

Submitted by,

Erik Hanson
Heritage Resources Program Manager

Jennifer Guerin
Heritage Programs Coordinator

Contact Name:

Erik Hanson
Heritage Resources Program Manager
Phone: 705-742-7777 Ext. 1489
Toll Free: 1-855-738-3755
E-Mail: ehanson@peterborough.ca