



November 17, 2022

**To: Hon. Steve Clark | Minister of Municipal Affairs and Housing**  
**From: Heritage Ottawa**

**RE: Bill 23 - More Homes Built Faster Act, 2022**

**Dear Minister Clark,**

Heritage Ottawa is an award-winning, volunteer driven, not-for-profit organization that champions the protection and stewardship of Ottawa's built heritage and cultural places, celebrating their value in enriching our shared environment.

Through advocacy and awareness-building activities, Heritage Ottawa promotes public engagement and investment in the protection and enhancement of Ottawa's heritage for the benefit of present and future generations.

We recognize and agree with the need to increase the supply of housing in Ottawa. To this end, we reviewed the *City of Ottawa Official Plan* and offered comments on the need to intensify existing neighbourhoods while respecting the contribution of heritage buildings to these neighbourhoods.

We also feel that development decisions relating to intensification and housing should be the responsibility of municipal councils whose action should not be dictated by the Ontario provincial government.

We would, therefore, like to take this opportunity to comment on specific changes proposed to the *Ontario Heritage Act*, the Provincial Policy Statement and Ontario Regulation 9/06 in Bill 23.

### **1. Heritage Register**

The Heritage Register is neither a tripwire nor a waiting room for designation. It is, however, an *early*

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*warning system* to give heritage planners time to review in more detail listed properties that owners wish to demolish. It is an important planning tool that recognizes the cultural value of a property to its community.

Since the Heritage Register was approved in 2013, the City of Ottawa has received 53 Notices of Intent to Demolish a property listed on the Heritage Register. To date, only **one** of these notices has resulted in the City passing a by-law designating the property to be of cultural heritage value under Part IV of the *OHA*.

This is proof that the Heritage Register has not been an impediment to development and does not justify the proposal to remove listings two years after they have been added to the Register. This and the proposed requirement that a property must wait at least five years further before being listed again seriously hinders a municipality's ability to manage its cultural heritage.

We therefore urge the Government of Ontario to delete the clauses in Bill 23 concerning the Heritage Register and permit municipalities to maintain their Heritage Registers as an effective tool for preserving our cultural heritage.

## **2. Provincial Policy Statement & Ontario Regulation 9/06**

Heritage Ottawa shares the concern of the City of Ottawa that the extent of the policy changes in the Provincial Policy Statement are not fully known at this time. Heritage Ottawa has participated in reviews of the PPS in the past and made comments on those policies that impact heritage. We understand the importance of the province's role in ensuring good planning and urge the province to consult with municipalities and other interested parties on any proposed changes to the PPS.

We are very concerned about the proposal to require a property to meet two of the legislated criteria for designation (instead of one) under Ontario Regulation 9/06. To demand that a candidate property for designation will require two of the legislated criteria for designation does not reflect the increasing importance of historical or associative value and contextual value in today's modern society.

In the mid-20<sup>th</sup> century, undue emphasis was placed on architectural value in the designation of heritage properties. Over the past half century, the importance of a site's associative and contextual value has evolved beyond its architectural significance to reflect the ever-changing diversity of Canadian culture. We feel that demanding a site meet two criteria is a retrograde step in preserving our cultural heritage.

We therefore ask that the requirement revert to one legislated requirement.

## **3. Heritage and Infill**

It is not the job of the provincial government to legislate the density requirements for properties

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designated under the *Ontario Heritage Act*. This should be a municipal responsibility in consultation with the community involved. In the past decade municipalities have approved appropriate infill additions to properties designated under Parts IV or V of the *OHA*, often with the support of heritage and community advocacy groups. This has met planning intensification guidelines while preserving the heritage integrity of the property.

#### **4. Site Plan Control**

Bill 23 proposes to remove the authority for the City to regulate exterior features, sustainable design, character, scale, design features and the like through site plan control.

The complete exemption of buildings of up to ten residential units from Site Plan Control is also a serious concern since this built form is frequently used to increase density in Heritage Conservation Districts and in older neighbourhoods where many heritage buildings are located.

The prohibition from seeking details through Site Plan Control on matters of exterior design, including the building elements, materiality or appearance of buildings will impact heritage conservation and the contribution of heritage to neighbourhood character.

Heritage Ottawa recommends that the City of Ottawa retains its current policy of exempting Site Plan Control for buildings of up to six residential units rather than the proposed ten units, as well as its right to seek details through Site Plan Control on matters of design.

#### **5. Third Party appeals**

The proposed Bill removes all third-party appeals on planning decisions from consideration by the Ontario Land Tribunal.

Community associations and other volunteer groups have traditionally used the right of appeal to the Ontario Land Tribunal very sparingly because it is very expensive and time-consuming. However, it is essential that these community organizations have the freedom and ability to challenge municipal heritage decisions.

We feel very strongly that this process should remain available to third parties.

#### **6. Conclusion**

The stated objective of the *More Homes Built Faster Act, 2022* is to increase the number of homes built in the Province of Ontario. It is our opinion that this can be best done by providing Ontario municipalities with the responsibility to develop housing policies that best suit their communities.

Instead, your government is seeking to limit the effectiveness of municipalities in this regard and seriously impede the ability of communities to preserve their cultural heritage under the *Ontario Heritage Act*.

Minister Clark, there is still time to make important amendments to this legislation. We urge the Government of Ontario to seriously reconsider the aims and objectives of Bill 23 in this regard.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Spencer-Ross', is displayed on a light gray rectangular background.

Katherine Spencer-Ross, CD, MMSt

President, Heritage Ottawa

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