

Ottawa's Heritage Conservation Districts at Risk

Report and Recommendations

Julian Smith

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Participants

Report and Recommendations

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Julian Smith

Julian Smith is an architect, conservator, scholar and educator, who is internationally recognized for his contributions to heritage conservation.

The citation when he received the Order of Canada in 2016 begins "one of Canada's leading heritage architects and planners, Julian Smith has helped to ensure that our most iconic monuments and cultural landscapes are preserved for generations to come."

Mr. Smith has been responsible for design and development work involving significant cultural sites not only in Canada, but the United States, France, Italy, India, Sri Lanka and Japan. He has been influential in developing conservation policies worldwide, for federal and provincial agencies in Canada, and through international cultural bodies such as UNESCO.

Participants

Reflecting concern about the protection of heritage districts in Ottawa, Julian Smith was invited to lead workshops with participants from the following seven community associations representing sixteen of Ottawa's twenty heritage conservation districts. They were joined by representatives of Heritage Ottawa.

Centretown Citizens Community Association – representing two heritage districts

Tom Whillans
President

Glebe Community Association

William R. Price
Co-Chair, Heritage Committee

Lowertown Community Association – representing two heritage districts

Nancy Miller Chenier

Liz MacKenzie

Andrew Waldron

New Edinburgh Community Alliance

Gail McEachern
Chair, Heritage and Development Committee

Rockcliffe Park Residents Association and Heritage Committee

Susan d'Aquino

Anthony Keith

Gouhar Shemdin

Linda Dicaire
Chair, Heritage Committee

John Cook

The Honourable Michael Kelen

Rothwell Heights Property Owners Association (Briarcliffe HCD)

Danielle Jones
Chair, Heritage Sub-Committee

Action Sandy Hill – representing eight heritage districts

François Bregha

Trina Cooper-Bolam

Chad Rollins

Heritage Ottawa

David Jeanes
President and Chair

Report and Recommendations

1. BACKGROUND

This report and its recommendations have been prepared as a result of my meetings with community representatives of sixteen designated Heritage Conservation Districts in the City of Ottawa, along with Heritage Ottawa. These meetings addressed the current state of affairs with respect to the protection of heritage districts in Ottawa, and ways of moving forward. The meetings were held in the spring and summer of 2018.

2. FINDINGS

2.1 A Situation in Crisis

The cultural heritage value of Ottawa's heritage conservation districts is being routinely compromised and eroded, and the communities involved are deeply concerned and frustrated. The cumulative effect is not only a serious detriment to each community in question, but an inevitable move towards an urban landscape in Ottawa that is less and less distinctive. Ottawa's history, heritage and culture are at risk as they are replaced by generic urban forms.

In most cases, the problem appears to be directly related to the failure to respect and straightforwardly apply the approved Heritage Plans for these districts and the related directives set out in the Ontario Heritage Act and the Provincial Policy Statement.

The failure of City staff to respect these mandates leads to 'expert' recommendations, from both City staff and outside consultants hired by proponents, that contradict the communities' values and recommendations.

Heritage overlays have not improved the situation. They are also routinely disregarded or compromised by City staff.

The 'expert' staff recommendations form the basis for approvals by the Built Heritage Sub-Committee, the Planning Committee, and City Council.

For its part, the Built Heritage Sub-Committee has acknowledged that it is loathe to reject the advice of City staff – in part because it regards them as the only “unbiased experts,” and importantly because it does not want to see its recommendations repeatedly overridden by the Planning Committee which seldom if ever rejects staff advice when that advice advocates approval of proponent applications.

A third factor is that, as the City has stated, it wants to avoid appeals of its decisions to the Ontario Municipal Board – now the Local Planning Appeal Tribunal. And since the proponents are the only ones eligible to appeal under the provisions of the Ontario Heritage Act, this leads to an inevitable bias in favour of the proponents.

The communities are without meaningful voices in the decisions taken by the City. They are clearly viewed as the 'non-experts' in the process, despite the fact that they have a much more intimate knowledge of the cultural heritage values that underlie the designations of their communities. The expertise they bring to the discussion is routinely ignored, to the detriment of their districts.

The following comment from a Lowertown Community Association member reflects their shared sense of despair:

The LCA has tried many interventions: requesting a zoning consultation years before any applications were filed, attending meetings at every level, submitting written comments, and appearing at committees ... These interventions have been made by highly informed and qualified community and professional experts. However, for all the effort, only once in seven years did our interventions change the course of development.

Similar sentiments were expressed by the Centretown Citizens Community Association, the Glebe Community Association, Action Sandy Hill, the New Edinburgh Community Alliance, and the Rockcliffe Park Residents Association.

Each Heritage Conservation District has features that make it unique. Some have an emphasis on cultural history; others on architectural history; others on urban landscape; others on natural and cultural heritage in balance; others in unusual urban patterns of roads, laneways and pathways.

City staff and the Committees of Council seem unable to adapt their decision-making to the key features of each district, opting instead for an approach that compromises the uniqueness of each neighbourhood as set out in their approved guidelines or Heritage Plans.

The communities themselves are left feeling powerless.

The problem is often compounded by ineffective site inspections, once plans are approved. The detection of non-adherence can occur too late and communities are then told that nothing can be done, or the plans misrepresent important aspects of the project and no recourse is taken.

2.2 The regulatory framework for Heritage Conservation Districts

The problem in Ottawa does not appear to rest with the legal and regulatory framework.

Section 42 of the Ontario Heritage Act (OHA) sets out a clear process for reviewing proposed changes within designated heritage districts. The emphasis in this section is on respecting the approved Heritage Plans for these districts.

The importance of the OHA process is spelled out in the Provincial Policy Statement (PPS), the governing document for planning decisions in Ontario.

The PPS says that "built heritage resources and cultural heritage landscapes **shall** be conserved" [emphasis added] - it does not say they 'may' be preserved when convenient. It defines '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 under the Ontario Heritage Act."

The Growth Plan, although developed for the Toronto/Hamilton area, further defines provincial policy. It says "cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas." In other words, intensification is not to be used as a reason to ignore the conservation of designated cultural resources.

Clear direction is also provided by the *Standards and Guidelines for the Conservation of Historic Places in Canada*, adopted by the City and referenced in most of the approved heritage guidelines and Heritage Plans. This document applies a strong values-based approach. It points out that values are generally identified by the community associated with the place, and that protection of these values is fundamental to good conservation practice.

2.3 Applying the regulatory framework

The problem in Ottawa appears to be how the regulatory framework is being applied.

Unlike most municipalities in Ontario, the City staff and the Committees of Council do not seem to base their recommendations on the conservation of heritage attributes, as required by the PPS and set out in the *Standards and Guidelines*. Instead, the goal seems to be meeting the desires of proponents, through a process of compromise that repeatedly contradicts community voices.

This is a major problem because the expertise with respect to heritage attributes rests first and foremost with the community and its experts, not with City staff or external experts.

The way cultural heritage impact assessments are used by the City of Ottawa only reinforces this problem. They are prepared by a paid consultant to the proponent. This all but guarantees a bias towards compromise rather than protection of heritage attributes. Nowhere do the OHA or the PPS assume that cultural heritage impact assessments will be prepared in this way.

There is also an issue of the relationship between the cultural heritage mandate and planning mandates more generally. In Ottawa, heritage staff appear to be hesitant to propose and support recommendations at odds with planning staff. In a parallel way, the Built Heritage Sub-Committee appears to be hesitant to make recommendations that it anticipates will be at odds with Planning Committee.

The problem is compounded by a reliance on 'expert' reports by contemporary planning firms with limited training in cultural heritage.

2.4 The political environment

It would be hard to argue that Ottawa politicians desire a city that is generic rather than distinctive. There is a proud tradition in the City of Ottawa of pursuing imaginative ways of enhancing the city's unique history, and building a future that respects the past.

However, there appears to be a current malaise – or lack of awareness - that is not conducive to sustaining the distinctive and well-defined character of designated heritage conservation districts. And because these districts generally represent the most iconic parts of the city, their loss of character is felt not only locally but at the broader urban scale.

Some of the problem lies with Premier Mike Harris's decision in the late 1990s to force large-scale amalgamation on Ontario cities. The resulting municipal councils generally have majority suburban voting blocs. Suburban councillors cannot be expected to be the ones to empower older urban neighbourhoods to resist change, when staff is siding with the developers and investors.

The irony is that older cities and neighbourhoods that celebrate history, culture and diversity are often the places attracting the best investment and promising the most viable future.

3. RECOMMENDATIONS

To protect Ottawa's heritage districts, a significant change in culture, attitudes, and practices is called for. The direct voice of Ottawa's heritage communities, and the unique expertise they embody, must be given the principal role in interpreting their guidelines and Heritage Plans, and advising City Council and its Committees and Sub-Committees on development applications or other proposed changes in their heritage districts.

City staff must see their role, not as one of negotiating and facilitating development applications, but as protecting and enhancing the heritage of Ottawa by supporting heritage communities.

Such an approach does not lead to stagnation. In fact, the best-preserved heritage conservation districts across Ontario are always magnets for investment. However, adding contemporary layers to historic places, in ways that respect their cultural heritage value, is a process that requires strong community input to be successful.

Community associations have supported many applications for change; it is only those that contradict core heritage values that are the focus of concern.

The following are recommendations based on the community consultations:

1. The provisions of the approved guidelines or Heritage Plan for each Heritage Conservation District – straightforwardly understood – must be the basis on which any proposed changes are assessed and approved. This is consistent with the regulatory framework outlined in the Ontario Heritage Act and the Provincial Policy Statement, and reinforced by the *Standards and Guidelines*.

2. Staff reports and recommendations should have the approval of the community association's heritage committee (however named) before going before any Subcommittee or Committee of Council. This should become standard practice - it is the only way to respect the expertise of the community when it comes to the understanding and protection of its heritage attributes.
3. If there is disagreement between the community association's heritage committee and city staff, the community's recommendation should be the one put before the Subcommittee or Committees of Council. Other opinions can be referenced, as at present. But it is important that City Council and its committees accept, modify, or reject the voice of the community, and justify any deviations if the community's expertise is not accepted.
4. A member of each community's heritage committee should sit as a voting member of the Built Heritage Sub-Committee when applications in their heritage district are considered by the Sub-Committee.
5. At meetings of the Built Heritage Sub-Committee and Planning Committee, the community's heritage committee should have the opportunity to present their case at the outset, as well as to respond after others have spoken.
6. Cultural Heritage Impact Statements (CHISs) are optional within the regulatory framework, and should be treated as such. If a CHIS is prepared and paid for by the proponent, the community should be given an opportunity to prepare its own CHIS.
7. Strong consideration should be given to making the Built Heritage Sub-Committee a full committee of Council, reporting directly to Council. This would enhance the parallel between dealing with heritage matters under the Heritage Act, and planning issues under the Planning Act. The Built Heritage Sub-Committee could deal with heritage applications without concern that its recommendations will be overridden by the Planning Committee.

A handwritten signature in black ink, appearing to read "Julian Smith", with a long horizontal flourish extending to the right.