

## Report to Council

<b>Report Title:</b>	Changes to Ontario Heritage Act for Municipal Heritage Register		
<b>Prepared By:</b>	Sarah Johnson, Deputy Clerk		
<b>Department:</b>	Clerk's		
<b>Date:</b>	January 14, 2025		
<b>Report Number:</b>	CLK2025-01	<b>File Number:</b>	C11CL
<b>Attachments:</b>	Brockton Heritage Register		

### Recommendation:

That the Council of the Municipality of Brockton hereby receives Report CLK2025-01 - Changes to Ontario Heritage Act for Municipal Heritage Register, prepared by Sarah Johnson, Deputy Clerk for information purposes.

### Report:

#### Background:

In 2023, staff brought forward a report outlining the impacts of [Bill 23, More Homes Built Faster Act, 2022](#), which amended the [Ontario Heritage Act, R.S.O. 1990, c. O.18](#), including the impacts to the Municipal Heritage Register, timeframe for non-designated properties to be removed from the Heritage Register, new criteria for properties to be considered of cultural heritage value or interest, and the ability for the Provincial Government to be exempt from complying with heritage standards and guidelines.

In 2024, many municipalities, including Brockton, have passed resolutions urging the Provincial Government to amend the Ontario Heritage Act again to extend the deadline for the Municipal Heritage Registers to be reviewed. The original deadline to complete this process was January 1, 2025.

#### Analysis:

The [Homeowner Protection Act, 2024, S.O. 2024, c. 18 - Bill 200](#) came into effect June 6, 2024. The Homeowner Protection Act, 2024 amended other Acts relating to homebuyers and homeowners, properties of cultural heritage value or interest and certain planning matters. Section 2 of the Homeowner Protection Act, 2004 amended the Ontario Heritage Act.

### Changes to Ontario Heritage Act

Section 27 (16) and (18) of the **Ontario Heritage Act were amended to change the deadline for the Heritage Register from 2025 to 2027**. This means that **non-designated** (formerly known as "listed") **properties**

included in the register as of December 31, 2022 are **allowed to remain** on the Municipal Heritage Register **until January 1, 2027** rather than January 1, 2025. After January 1, 2027, properties that have not given a notice of intention to formally designate under the Ontario Heritage Act will be removed.

**Non-designated properties** believed to be of cultural heritage value or interest **that are removed from the Municipal Heritage Register may not be added back to the register for a period of five (5) years:**

- Non-designated properties included on the register on/after December 31, 2022 can be added again after January 1, 2027
- Non-designated properties included on the register on/after January 1, 2023 can be added again on or after the second anniversary of the day the property was included on the register.

Further, additional subsections were added to Section 27(19), (20) and (21) of the Ontario Heritage Act, reiterating that properties removed from the register cannot be added back for 5 years, and Section 71 of the Act references the amendments made to the Act by the Homeowner Protection Act, 2024.

These amendments to the Ontario Heritage Act allow the Brockton Heritage Committee and Municipal staff more time to review our 24 non-designated/listed properties on Brockton's Heritage Register, and follow through with plans to host a public meeting with property owners to better explain the process involved in designating their property under the Ontario Heritage Act.

This means that the 24 **non-designated/listed properties must decide before December 31, 2026 if they wish to file a Notice of Intention to Designate** in order to change their property from "Listed" to "Designated", and follow the different restrictions and requirements under the Ontario Heritage Act as a formally designated heritage property.

There are also objection and appeal provisions associated with including properties on the Municipal Heritage Register, such that if Council chose to file a Notice of Intention to Designate for a Listed Property, that owner has the chance to object or appeal the decision.

The Heritage Committee has received more inquiries on heritage designations this year, and this amendment to the Ontario Heritage Act benefits the Committee's plan to focus on the Heritage Register in 2025.

### **Public Meeting**

The Heritage Committee had originally budgeted/planned to host the public meeting in 2024 but rescheduled due to Doors Open and the changes to the Ontario Heritage Act which extended the deadline for the Municipal Heritage Register.

This year, the Heritage Committee plans to invite both designated and listed heritage property owners, and members of the public to the public meeting to share information about the Ontario Heritage Act, the processes and responsibilities involved in formally designating properties to be of cultural heritage value under the Act, and the implications for listed properties should they not proceed to formally designate their property by January 1, 2027.

## Progress/Next Steps

The Municipality of Brockton's Municipal Heritage Register has not been updated since 2020, including the former Armoury Building to the heritage register as a designated property. The former Armoury Building was designated under the Ontario Heritage Act in 2019, and was later declared surplus and sold to a private owner in 2022. Prior to the amendment in 2020, the heritage register had not been updated since its original establishment in 2013. The register includes 11 designated and 24 "listed" (non-designated) properties.

The current Municipal Heritage Register is listed on Brockton's website and information about the formally designated properties, and which properties in Brockton are currently "listed" properties. As of January 1, 2027, if the listed properties have not indicated they wish to formally designate under the Act, they will be removed from the Municipal Heritage Register and Brockton's website.

The Heritage Committee do not currently have any interest in pursuing to formally designate any of the 24 listed properties, but Council may wish to specifically request feedback on the Yonge Street property. Staff further invite any comments from Council should they feel any of the 24 listed properties should be approached about formal designation, as a Notice of Intention to Designate must be filed by January 1, 2027.

In 2024, the Brockton Heritage Committee participated in training on Cultural Heritage Conservation, including the fundamentals for Municipal Heritage Committees, and detailed information on the Ontario Heritage Act and the process involved with designating heritage properties.

The Heritage Committee also drafted criteria for an award program to recognize the efforts of individuals in preserving and promoting local heritage. The Heritage Committee plans to announce a new heritage preservation award during Heritage Week February 17-23, 2025 with the award to be presented at the Volunteer Recognition Event in June 2025.

The Heritage Committee also increased interest on our historical properties at the September 28, 2024 Doors Open Brockton event, and can use that momentum to educate residents and homeowners on the Ontario Heritage Act, and preserve the historic significance of properties with cultural heritage value in our community.

Staff will work with the Heritage Committee to arrange the public meeting and educate property owners about the heritage designation process to update Brockton's Heritage Register.

## Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?

- |                                                                                         |     |
|-----------------------------------------------------------------------------------------|-----|
| • Recommendations help move the Municipality closer to its Vision                       | Yes |
| • Recommendations contribute to achieving Heritage, Culture, and Community              | Yes |
| • Recommendations contribute to achieving Quality of Life                               | N/A |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | N/A |
| • Recommendations contribute to achieving Economic Development                          | N/A |
| • Recommendations contribute to achieving Municipal Governance                          | Yes |

## Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?  
N/A

The Heritage Committee have included funds in the 2025 budget for the public meeting.

## Reviewed By:



Trish Serratore, Chief Financial Officer

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## Respectfully Submitted by:



Sarah Johnson, Deputy Clerk

## Reviewed By:



Sonya Watson, Chief Administrative Officer