



**CHO - PCO**  
*Community Heritage Ontario*  
*Patrimoine communautaire de l'Ontario*

February 16, 2022

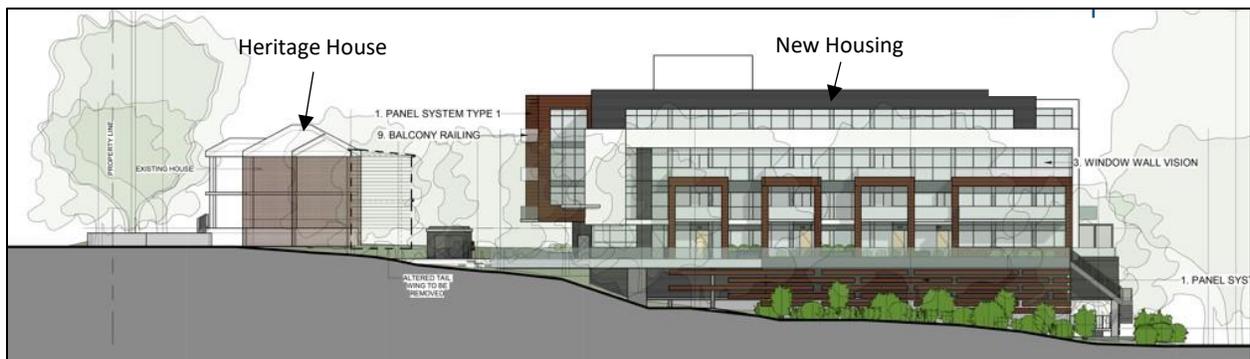
Minister Steve Clark  
Ministry of Municipal Affairs and Housing

Dear Mr. Minister

Re: Task Force Report on Housing Affordability

Community Heritage Ontario (CHO), the association of municipal heritage committees which includes more than 700 community volunteers who give freely of their time to advise Ontario municipal councils on the conservation of community heritage resources, wishes to express its objection to the three heritage recommendations in the Task Force report.

At the outset, CHO views heritage designation under the *Ontario Heritage Act* as a way to manage, not prevent, change in a way which conserves heritage resources. Many of our committees are currently working with developers to accommodate increases in the housing stock in a way which is sympathetic to a property's heritage values. This increase in stock will help to address affordability issues. For example, the Aurora Council and its municipal heritage committee are working with a developer to add 35 housing units to one property currently containing a single detached house which is designated as part of a heritage conservation district and exists next to a national historic site as shown in the illustration below. So, in CHO's opinion, heritage designation is not an impediment to achieving more housing units that are affordable in the province, although it does require that developers think creatively and work constructively with the heritage community.



**Aurora – 15365 Yonge Street – Development Proposal – March 2021.**

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Specifically, our objections are as follows:

1. Task Force Recommendation 16 (a):

*Prevent abuse of the heritage preservation and designation process by:  
(a) Prohibiting the use of bulk listing on municipal heritage registers*

CHO objection:

This is an unnecessary recommendation.

CHO reason for the objection:

Whether the listing of a property in the heritage register is by bulk or individually, the effect is the same – inclusion as a listed property in the register only delays demolition for 60 days. As of July 1, 2021, each owner of property listed by the municipal council will be notified of Council's listing, whether it is in bulk or individually, and the owner will have the opportunity to object to the listing to the municipal council. In turn, the council must address the objection.

2. Task Force Recommendation 16 (b):

*Prevent abuse of the heritage preservation and designation process by:  
(b) Prohibiting reactive heritage designations after a Planning Act development application has been filed.*

CHO objection:

This is an unnecessary recommendation.

CHO reason for the objection:

This issue has been addressed by the recent amendments to the *Ontario Heritage Act* proclaimed on July 1, 2021 and the corresponding regulation 385-21. Designation of a property under the *Act* may not occur once the municipality has given notice that a complete *Planning Act* application has been filed with the municipality.

3. Task Force Recommendation 17:

*Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.*

CHO objection:

This recommendation is unworkable, fails to recognize that there could be financial benefits to designation and, if implemented, will discourage municipalities from taking steps to conserve any heritage resources, except those which they own.

CHO reasons for the objection:

'Best economic use of land' is undefined in the report. This concept can vary through time. When is compensation to be paid - when the designation occurs or, years later,

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when a new owner decides to redevelop the property? Best economic use of land can not be divorced from the policy context and the availability of infrastructure to support the use of the land, both of which can vary through time. As a result, this an amorphous concept that is unworkable in practice.

Further, this recommendation assumes that heritage designation has only negative financial consequences. Yet, in studies of Ontario's heritage conservation districts, it was found that the values of properties in many districts increased in value more than comparable properties that were not in heritage districts<sup>1</sup>. Furthermore, many municipalities in their official plans and zoning by-laws provide bonuses to only designated properties when being redeveloped, such a recognizing the floor area of designated building being conserved as being 'zero' when it comes to meeting zoning by-law requirements.

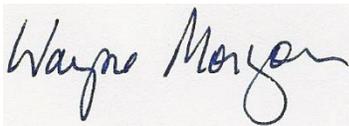
Finally, if an attempt is made to implement this recommendation, it will bring a halt to municipalities undertaking steps to conserve heritage resources as they will fear unknown compensation issues and potential litigation.

CHO alternative recommendation:

As alternative to this recommendation from the Task Force, CHO recommends that your Ministry encourage municipalities to include benefits to designated properties, such as reduction in floor area and reduction in levies as compensation for any costs incurred in conserving heritage resources in their official plans and zoning by-laws.

In summary, heritage conservation is not an impediment to achieving affordable housing in Ontario.

Respectfully submitted



Wayne Morgan  
President, Community Heritage Ontario

cc. Minister of Heritage Sport Tourism and Culture Industries  
Ontario municipal heritage committees  
Architectural Conservancy of Ontario  
Ontario Association of Heritage Professionals

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<sup>1</sup> Heritage Conservation Districts Work - [Microsoft Word - HCD Study Final Report Summary - June 8th - FINAL \(uwaterloo.ca\)](#) & [Microsoft Word - HCD Study Final Report Summary Phase 2 - FINAL \(uwaterloo.ca\)](#)