

December 9, 2022

Paula Kulpa
Heritage Branch, Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9

Subject: ERO 019-6196 – Proposed Changes to the Ontario Heritage Act and its Regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022

Dear Paula Kulpa,

On behalf of Canada's four national heritage conservation NGOs – Canadian Association of Heritage Professionals, Indigenous Heritage Circle, ICOMOS Canada, and National Trust for Canada – we would like to express our grave concerns about the potentially devastating impacts the proposed changes to the *Ontario Heritage Act* in Bill 23 *More Homes Built Faster Act* will have on the province's irreplaceable cultural heritage, and to affirm the detailed concerns raised by our provincial counterparts, including: [Architectural Conservancy of Ontario](#), [Community Heritage Ontario](#), [Ontario Archaeological Association](#), [Ontario Association of Heritage Professionals](#), [Ontario Business Improvement Area Association](#), [Ontario Historical Society](#), and [Shared Path Consultation Initiative](#).

While we welcome the Ontario government's commitment to addressing the current housing crisis and the need for affordable, inclusive, and safe housing, and recognize the need to review and revise the existing heritage system, the proposed Bill 23 severely undercuts heritage identification and protection mechanisms and will have unintended consequences that will result in significant negative outcomes as well as greater property development delays and confusion. Moreover, substantial evidence from across Ontario shows that heritage conservation and housing development have been proven to be mutually beneficial and not in opposition to each other as the proposed Bill (and the *Report of the Ontario Housing Affordable Task Force* that proceeded it) would seem to suggest.

Here are our key concerns, underscoring those already identified by our provincial heritage counterparts:

- The natural environment and cultural heritage of the traditional territories of Indigenous communities will be adversely impacted by proposed measures in Bill 23. A lack of consultation and accommodation of the concerns of Indigenous communities risks violating their Inherent and Treaty Rights. Indigenous organizations have called on

.../2

the Ontario government to pause their efforts on Bill 23 until consultation with First Nations, as rightsholders and treaty partners, has been adequately conducted.

- The current bill does not address the inherent systemic barriers to building reuse which if removed would both create housing faster and eliminate the additional carbon footprint associated with new construction. Building code requirements/limitations, a lack of skilled trades, and tax system distortions currently impede the adaptive reuse of Ontario's existing buildings.
- Increasing the threshold for listing and designation of heritage properties under Part IV of the *Ontario Heritage Act* will make it much more difficult to address reconciliation as well as issues of equity, diversity, and inclusion in the protection of cultural heritage resources in Ontario.
- Bill amendments to the *Ontario Heritage Act* would mean that non-designated properties currently included ("listed") on a municipal register would have to be removed if municipal council does not issue a notice of intention to designate within two years of the Act coming into force. This will greatly reduce the opportunity for communities to identify places of heritage significance, and dramatically increase the likelihood of their loss. Robust heritage resources inventories serve as a basic building block of any local /provincial historic preservation program and are an internationally recognized best practice.

Our national heritage conservation organizations support intensification, including well-designed and planned infill as well as the conversion and rehabilitation of existing buildings as housing. We discourage any measures that would incentivize the demolition of existing buildings and impact both the environment and affordability. We would support tools that encourage subdivision of single unit homes into multi-family buildings and give credits for the reuse of existing buildings and materials or incorporating cultural heritage resources into new developments.

Given the magnitude of the changes to the *Ontario Heritage Act* proposed in Bill 23, consultation with heritage organizations, such as us and our provincial counterparts, is necessary. We urge you to undertake further review of the implications of the amendments prior to proclamation. We welcome the opportunity to share our technical expertise related to the *Ontario Heritage Act* amendments and proposed changes to the prescribed criteria for evaluating cultural heritage value or interest.

Yours sincerely,



Natalie Bull
Executive Director
National Trust for Canada
nbull@nationaltrustcanada.ca



Kisha Supernant
 President
 Indigenous Heritage Circle
kisha.supernant@ualberta.ca



Christophe Rivet
 President
 ICOMOS Canada
secretariat@canada.icomos.org



Jean-Michel Carrière
 President
 Canadian Association of Heritage Professionals
admin@cahp-acecp.ca

About the Organizations

Canadian Association of Heritage Professionals (CAHP)

CAHP is a national professional organization that serves qualified heritage professionals in the public, private and not-for-profit sectors. CAHP establishes standards of practice, shares knowledge about heritage conservation, and supports the involvement of heritage professionals whenever places of heritage value are being identified, preserved, restored and rehabilitated. As part of its mandate, the organization also fosters and promotes public and legislative support for heritage conservation. CAHP members are specialists in a wide variety of fields, including conservation architecture, planning, history, archaeology, landscape architecture, education and engineering.

Indigenous Heritage Circle

The IHC is an Indigenous-designed and Indigenous-led organization founded in 2016. We are dedicated to the advancement of cultural heritage priorities that are of importance to Métis, Inuit, and First Nations Peoples in Canada. The IHC has a Board of Directors which is made up of national leaders in the

field of Indigenous cultural heritage and which includes individuals from diverse Indigenous backgrounds who have come together to support the following goals:

- To celebrate and promote Indigenous heritage and the role of Indigenous peoples in preserving this;
- To advocate for cultural heritage programs, protocols, laws, policies, and funding opportunities that recognize Indigenous Peoples as the rightful caretakers of their heritage;
- To support Indigenous communities in stewarding and safeguarding their heritage; and
- To further the understanding and respect for Indigenous heritage, laws, values, and protocols through facilitating dialogue and learning opportunities.

The IHC provides national leadership in addressing Indigenous cultural heritage through dialogue, advocacy, research, and policy development for Indigenous communities. The IHC supports actions and policies consistent with the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada, and the laws and protocols of Indigenous Nations. Its primary focus is on Canadian issues and initiatives, but it is also committed to supporting Indigenous cultural heritage.

ICOMOS Canada

ICOMOS Canada is the Canadian national committee of the International Council on Monuments and Sites (ICOMOS). Since 1975, ICOMOS Canada has been at the forefront of the heritage conservation movement in Canada and abroad, actively contributing to the development of the theory and practice of cultural heritage conservation. Today, ICOMOS Canada and its members continue to play a leading role in influencing national and international policies through innovative thinking and holistic approaches to continuously improve the conservation of cultural heritage for communities.

Internationally, ICOMOS is the only global non-governmental organization dedicated to the conservation of the world's cultural heritage places. Through over 100 national committees and 28 international scientific committees, it brings together professionals from such disciplines as architecture, archaeology, planning, engineering, anthropology, art history, and geography to develop and discuss the theory and application of best practices to the conservation of buildings, landscapes, and sites. One of its important mandates is to advise UNESCO on cultural heritage matters especially in the context of the World Heritage Convention.

National Trust for Canada

Founded in 1973, the National Trust for Canada (formerly the Heritage Canada Foundation) is a registered charity that empowers Canadians to save and renew heritage places as the foundation for a resilient, diverse, and sustainable future. We work with partners, donors and funders to see heritage places play their part as cornerstones of climate action and social cohesion, and we spark important conversations about Canada at the places our members visit and discover.

Every year thousands of Canadians access regeneration strategies and expertise through National Trust webinars and annual conference and hundreds more find youth employment in heritage through our partnership with the Department of Canadian Heritage. In recent years, we have delivered \$1.4 million

in bricks and mortar funding to help renew and adapt 89 great places for new uses and provided over \$132,000 worth of essential expertise to 44 heritage places through our donor-funded Launch Pad coaching grants. We lead the nation in celebrating heritage places with Historic Places Days – reaching 2.4 million people annually with a national event delivered in partnership with the Parks Canada Agency.