

Recommendation Report Summary

SUBJECT: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates

TO: Committee of the Whole

FROM: Development and Growth Management
Community Planning

Report Number: DGM-10-25

Wards Affected: 1, 2, and 3

Date to Committee: April 7, 2025

Date to Council: April 15, 2025

Recommendation

State an intention to designate the properties listed in Appendix B to development and growth management report DGM-10-25 titled “List of Properties Recommended for Designation under Part IV of the *Ontario Heritage Act*” under Part IV, Section 29, of the *Ontario Heritage Act* and in accordance with the Statements of Cultural Heritage Value or Interest and Descriptions of Heritage Attributes for the subject properties which is attached to development and growth management report DGM-10-25 as Appendix E; and

Direct the Director of Community Planning to provide notice of Council’s intention to designate the properties in Appendix B to development and growth management report DGM-10-25 – List of Properties Recommended for Designation under Part IV of the *Ontario Heritage Act*, in accordance with subsection 29 (3) and 29 (4) of the *Ontario Heritage Act*; and

Direct the City Clerk to introduce the necessary by-laws to designate the properties as being of cultural heritage value or interest to Council which will be enacted in accordance with subsection 29 (8) of the *Ontario Heritage Act*, provided no objections are received; and

Direct the City Clerk to take the necessary actions in the event of any objections to the notices of intention to designate pursuant to the *Ontario Heritage Act*, subsections 29 (5) and 29 (6), such that the Director of Community Planning may report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

Executive Summary

Purpose of report:

- The purpose of this report is to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the *Ontario Heritage Act* and to recommend that a notice of intention to designate be issued by Council for the properties.

Key findings:

- As part of the City's heritage response to Bill 23, the City retained Stantec to complete an evaluation of the 27 shortlisted properties. Stantec determined that 22 are worthy of conservation and heritage designation.
- This report recommends designation of 22 properties under Part IV of the *Ontario Heritage Act*.

Implications:

- **Financial**
 - If Council chooses to designate the subject properties, the owners will become eligible to apply for the annual Heritage Property Tax Rebate Program. Further, adding eligible designated heritage properties to the Heritage Property Tax Rebate Program will result in additional 2026 budget requirements.
- **Legal**
 - If the subject properties are designated, any person who objects to the by-laws will have the right to appeal the designation to the Ontario Land Tribunal.
- **Engagement**
 - Staff have consulted with the owners of the subject properties. The breakdown of owner support versus opposition to the proposed designation can be found in Appendix C.
 - Staff have consulted the Heritage Burlington Advisory Committee, who have indicated their support for the proposed designations.

Recommendation Report

Background

The Province's Bill 23, *the More Homes Built Faster Act, 2022*, amended the *Ontario Heritage Act* and will impact all non-designated properties on the City of Burlington's Municipal Heritage Register ("the Register"). Bill 23 was passed in 2022 to facilitate the construction of 1.5 million new homes in Ontario by 2031, and sets out that municipalities have until January 1, 2027, to designate significant non-designated heritage properties or remove those non-designated properties from the Register. Any property that is removed cannot be added back to the Register for a five (5) year period if it was added to the Register prior to Dec. 31, 2022, but may be looked at again in 2032.

Community Planning staff, in consultation with the Heritage Burlington Advisory Committee, developed a shortlist of heritage designation candidates from over 200 non-designated properties on the Register as a response to Bill 23 ([PL-35-23](#)). The shortlist was carefully developed using criteria including visibility from the street, heritage integrity, architectural style and population density around the property. The Council-approved shortlist of 27 properties can be found in Appendix A to this report.

The subject properties were evaluated by Stantec, who was retained by the City of Burlington to complete the 27 heritage evaluations. The evaluation of the 27 identified properties began in the spring of 2024 and was completed in Q1 2025.

Analysis

There are typically three different types of properties that are considered in heritage planning:

- 1) Properties with no heritage status. These properties are not listed on the Municipal Register as a non-designated property and are not designated under the *Ontario Heritage Act*. There are no heritage implications for property owners.
- 2) Properties that are listed on the Municipal Heritage Register as non-designated properties. These properties are commonly referred to as "listed" or "registered" properties. The heritage implication for property owners is that owners shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days' notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.

- 3) Properties that are designated under Parts IV (individually) or V (district) of the *Ontario Heritage Act*. The main heritage implication for property owners is that a Heritage Permit is required for any alteration, new construction or demolition affecting the property's heritage value identified within a bylaw that designates individual properties under Part IV of the *Ontario Heritage Act*. A Heritage Permit is also required for exterior alterations to structures and property, including new construction and demolition, for any property located within the boundaries of a Heritage Conservation District, as designated by bylaw under Part V of the *Ontario Heritage Act*.

The Province's intent through Bill 23, *the More Homes Built Faster Act, 2022*, which amended the *Ontario Heritage Act*, is to accomplish a timely review of municipalities' Municipal Heritage Registers to facilitate protecting significant cultural heritage resources and remove from the Register properties that do not have sufficient cultural heritage value or interest for designation under the *Ontario Heritage Act*. Removing a non-designated property from the Municipal Heritage Register does not necessarily mean demolition of a built heritage resource but rather the removal of the demolition protection on an interim (60-day) basis.

Of the 27 properties evaluated by Stantec, 22 were found to meet at least two of nine criteria in *Ontario Regulation 9/06*, making the properties eligible for designation under the *Ontario Heritage Act*. For details on which criteria were met for the subject properties, please see the relevant Cultural Heritage Evaluation Report in Appendix D. For a summary of this information, see Appendix F.

For details on whether the property owners support the recommended designation of the 22 properties, see Appendix B. For formal correspondence and/or materials from property owners, see Appendix G.

Option 1 – Designate 22 Properties, as Recommended by Stantec and Planning Staff (Recommended)

Benefits:

- Cultural heritage in Ontario provides people with a sense of place, as per the *Provincial Planning Statement, 2024*.
- The *Burlington Official Plan, 2020* identifies the following benefits to conserving cultural heritage resources:
 - Cultural heritage resources help the community to understand its past, provides context for the present, and influences the future.
 - Cultural heritage resources create a sense of civic pride and contribute to the quality of life and enjoyment of the city by residents and visitors alike.
 - The conservation of cultural heritage resources also contributes to the overall sustainability of the city.

Considerations:

- A summary of which criteria of *Ontario Regulation 9/06* were met for each of the 27 properties evaluated is provided in Appendix F, attached hereto.

Additional Information:

- Staff recommend that 20 of the 22 properties identified for heritage designation be designated at the earliest opportunity. The remaining two of the 22 properties have timing considerations due to active applications. Staff recommend that these properties be designated following development approvals and/or completion of the works, should the identified heritage attributes not be impacted, as issuing a notice of intention to designate would void any building permits, as per section 30(1) of the *Ontario Heritage Act*. Staff are working closely with the owners of 1433 Baldwin St. and 5726 Cedar Springs Rd., who have identified imminent projects/works to ensure the timing of the notices are appropriate.

Community Engagement and Communications:

- Owners were invited to a Project Kick-off Meeting at Burlington City Hall, which occurred in June 2024. The meeting was well attended.
- Under its terms of reference, the Heritage Burlington Advisory Committee can advise City Council and City staff on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic, natural or scenic interest, all matters to which the *Ontario Heritage Act* refers, and on all matters assigned to it by City Council in relation to the above noted matters. The Heritage Burlington Advisory Committee moved motions recommending the 22 properties be designated under the *Ontario Heritage Act*, as well as an addition four properties identified in Option 2 – Designate 26 Properties, as Recommended by the Heritage Burlington Advisory Committee below (see Appendix H).
- Property owners were informed of the date their property/properties were going before the Heritage Burlington Advisory Committee, had they wished to delegate, and provided with the draft Statement of Cultural Heritage Value or Interest in advance of the meeting.

Option 2 – Designate 26 Properties, as Recommended by the Heritage Burlington Advisory Committee (Not Recommended)

Benefits:

- See Benefits section of Option 1.
- In addition, as per Section 28(1) of the *Ontario Heritage Act*, it is the role of a municipal heritage committee to advise and assist the council on matters relating to Parts IV, Part V and such other heritage matters as the council may specify by by-law.

Considerations – Additional Four Properties Recommended by the Heritage Burlington Advisory Committee:

- As per Stantec's evaluation, 368 Brant St. (Bell-Wiggins Boot and Shoe Store) meets one criterion (design/physical value) and is not eligible for designation. Committee members were not in agreement and stated that the property has contextual value as a remnant of the lower Brant Street streetscape. Staff agree with the Stantec's evaluation that the property is ineligible for designation.
- As per Stantec's evaluation, 458 Elizabeth St. (John Taylor House) meets one criterion (design/physical value) and is not eligible for designation. Committee members were not in agreement and stated that the property has contextual value because it is important in maintaining and supporting the character of the area. Staff agree with the Committee that the property has minor contextual but support Stantec's evaluation findings. Staff requested to meet with the property owner to discuss a Heritage Easement Agreement (HEA) as an alternate to Part IV designation under the *Ontario Heritage Act*. The owner has declined the HEA as an alternate option to conserve the cultural heritage resource.
- As per Stantec's evaluation, 513 Locust St. (the Elgin Harris House – A Different Drummer Books meets one criterion (historical/associative value) and is not eligible for designation. Committee members were not in agreement and stated that the property has contextual due to the defining character of the neighbourhood. Staff agree with Stantec's evaluation that the property is ineligible for designation.
- As per Stantec's evaluation, 367 Torrance St. meets one criterion (design/physical value) and is not eligible for designation. Committee members were not in agreement and stated that the property may have contextual value due to a historical link with the "Torrance" family name. In the absence of further research supporting this potential historical link, staff agree with Stantec's evaluation that the property is ineligible for designation.

Additional Information:

- Not applicable.

Community Engagement and Communications:

- See Community Engagement and Communications section of Option 1.

Option 3 – Decline to Designate the Properties (Not Recommended)

Benefits:

- Not applicable.

Considerations:

- Staff do not recommend this option as Stantec prepared Cultural Heritage Evaluation Reports on the 27 properties and recommended the designation of the 22 properties listed above. Staff agree that these properties meet at least two criteria of *O. Reg. 9/06* for designation under the *Ontario Heritage Act*.

Additional Information:

- Some property owners would support declining to designate, though other owners support the designation of their property/properties. As noted, Staff do not recommend Option 3.

Community Engagement and Communications:

- See Community Engagement and Communications section of Option 1.

Recommendation Details

Option 1 – Designating 22 Properties, as Recommended by Stantec, conforms to the City of Burlington's *Official Plan, 2020*, and is consistent with the *Provincial Planning Statement, 2024*. The properties have been evaluated using the criteria of *Ontario Regulation 9/06* and are found to meet at least two of the criteria for determining cultural heritage value or interest, thus are eligible for Part IV designation under the *Ontario Heritage Act*. The 22 properties recommended for designation out of the over 200 non-designated properties are diverse, range widely in age, and includes landmarks like the Knox Presbyterian Church and Burlington Central High School; historic Burlington institutions like the former Public Library at 482 Elizabeth Street; representative examples of early 20th century vernacular residences like 550 Hurd Avenue; and an early example of a mid-19th century Ontario vernacular stone schoolhouse at 5726 Cedar Springs Road. For further details on the applicable municipal and provincial policies, see the Option 1 – Benefits section above.

Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
- June 2023 – Report PL-34-23 – Heritage Response to Bill 23 presented to City Council.
- Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
- Spring of 2024: Launch of the Bill 23 – Heritage Designation Candidates Shortlist project.
- June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
- Summer of 2024: Stantec team conducts site visits from the public right-of-way and archival research.
- Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
- Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
- Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
- Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.

Implications

- **Total Financial Impact**

- If Council chooses to designate the properties by municipal by-law, the owners will become eligible to apply for the annual Heritage Property Tax Rebate Program (HPTRP), in which eligible residential properties receive a 40 per cent rebate on their property taxes, and eligible commercial properties can receive a 20 per cent rebate on their property taxes, including city, regional and school board components. Church and school properties are exempt from property taxes and are thus not eligible for the Heritage Property Tax Rebate Program.
- Option 1 recommends the designation of 22 properties containing built heritage resources eligible for the HPTRP, of which includes three church properties and one school, exempt from property taxes. Based on the 2024 taxation and the remaining 18 properties (if designated and eligible to apply for HPTRP), the estimated incremental cost increase to the HPTRP is approximately \$30,000 for the City portion of the tax rebate and a total rebate (City, Region and School Board) amount of \$80,000.
- **Source of Funding**
 - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the Heritage Property Tax Rebate Program is \$60,000 with actuals in 2024 of about \$68,000 for 53 applications. Approval of designating the recommended 22 properties in Option 1 of this report requires an increase to the 2026 operating budget of \$30,000 for the City portion of the tax rebate. In general, designating properties eligible for the HPTRP necessitates augmenting the 2026 budget provisions for program, inclusive of tax rebate costs as well as resourcing requirements. Staff will advise Regional staff of their added funding needs associated with Council approved designated properties.

- **Legal**

- If the properties are designated, any person who objects to the by-law(s) will have the right to appeal the designation to the Ontario Land Tribunal.

- **Engagement**

- Not applicable.

References

- City of Burlington. (2023). Heritage response to Bill 23 - shortlist of designation candidates (PL-35-23). Retrieved from <https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=5dd16443-774c-46f3-acdc-82d4a0c54408&Agenda=Merged&lang=English&Item=16&Tab=attachments>.
 - City of Burlington. (2024). Burlington Official Plan, 2020. Retrieved from <https://www.burlington.ca/en/planning-and-development/official-plan.aspx#Burlington-Official-Plan-2020>.
 - Province of Ontario. (2022). *Bill 23, More Homes Built Faster Act, 2022*. Retrieved from <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>.
 - Province of Ontario. (2024). *Provincial Planning Statement, 2024*. Retrieved from <https://www.ontario.ca/files/2024-10/mmah-provincial-planning-statement-en-2024-10-23.pdf>.
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Strategic Alignment

- ☒ Designing and delivering complete communities
 - ☐ Providing the best services and experiences
 - ☐ Protecting and improving the natural environment and taking action on climate change
 - ☐ Driving organizational performance
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Report Details

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Appendices:

- A. Location Map
- B. List of Properties Recommended for Designation under Part IV of the *Ontario Heritage Act*
- C. Owner Positions on Designation Recommendations
- D. Cultural Heritage Evaluation Reports Prepared by Stantec
- E. Statements of Cultural Heritage Value or Interest
- F. Cultural Heritage Evaluation Chart
- G. Materials and/or Formal Correspondence from Property Owners
- H. Heritage Burlington Advisory Committee Meeting Minute Excerpts (October 9, 2024; December 13, 2024; January 8, 2025; and January 29, 2025)

Notifications:

Planner will provide addresses.

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.