

SUBJECT: Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 380 Brant St.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-67-25

Wards Affected: 2

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

---

## **Recommendation**

That Council not withdraw the Notice of Intention to Designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated July 31, 2025, and attached to development and growth management report DGM-67-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-67-25, being a bylaw to designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislative Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 380 Brant St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## **Executive Summary**

Purpose of report:

- To present the objection to the notice of intention to designate the property municipally known as 380 Brant St. (the “Property”), which was published on the City of Burlington’s Public Notices webpage on July 10, 2025, and provide Council with the staff recommendation regarding the objection. The notice triggered the start of the 30-day

objection period. The City received a notice of objection from the owner of 380 Brant St. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Property meets two criteria for determining cultural value or interest and continues to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
  - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

---

## Background

Council approved a staff recommendation to issue a Notice of Intention to Designate the Property at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was 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.

The recommendation to issue the Notice of Intention to Designate the Property was based on a Cultural Heritage Evaluation Report (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Property met at least two of nine criteria under Ontario Regulation 9/06. The Statement of Cultural Heritage Value or Interest is attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

---

## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notice of intention to designate and pass the by-law designating the Property (Recommended)
- Option 2 – Withdraw the notice of intention to designate (Not recommended)

The notice of intention to designate the Property was issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notice of intention to designate and pass the designation by-law.

Staff carefully reviewed the notice of objection for the Property, which did not contain any new information or cultural heritage analysis by a qualified heritage professional that would change the previous staff recommendation to designate the property under the OHA. As such, staff maintain the professional recommendation to designate the Property under Part IV of the OHA, as the property meets the criteria for determining cultural value or interest.

For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

---

## Recommendation Details

### 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.
  - Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
  - Jul. 31, 2025: The notice of objection for 380 Brant St. is received.
- 

### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 380 Brant St. is a commercial/residential property. Based on the 2025 levy, if designated, the property could be eligible for an estimated property tax rebate of approximately \$6,800, with the city portion about \$2,500.
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000 (actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City’s intention to designate. The owner has submitted an objection to the proposed designation.

If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

---

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). [Burlington Official Plan, 2020](#).
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). [Provincial Planning Statement, 2024](#).
  - Stantec Consulting Ltd. (2025). *380 Brant Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## 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
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

## Appendices:

- A. Objection to the Intention to Designate 380 Brant St. by DAVID THOMPSON (P.C.), on behalf of Emshih Developments Inc., dated July 31, 2025
- B. By-law for 380 Brant St. and Statement of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-law to Council on Oct. 14, 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.