
SUBJECT: Heritage Response to Bill 23 – Objection to Notices of Intention to Designate, 482 and 490 Elizabeth St.

TO: Committee of the Whole

FROM: Development and Growth Management
Community Planning

Report Number: DGM-79-25

Wards Affected: 2

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

Recommendation

That Council not withdraw the Notices of Intention to Designate 482 Elizabeth St. and 490 Elizabeth St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 8, 2025, and attached to development and growth management report DGM-79-25 as Appendix A; and

That Council enact the by-laws substantially in the form attached as Appendix B to development and growth management report DGM-79-25, being bylaws to designate 482 Elizabeth St. and 490 Elizabeth 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 notices of the passing of the by-laws designating 482 Elizabeth St. and 490 Elizabeth St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

Executive Summary

Purpose of report:

- To present the objection to the notices of intention to designate the properties municipally known as 482 Elizabeth St. and 490 Elizabeth St. (the “Properties”), which were 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 notices triggered the start of the 30-day objection period. The City received a notice of objection from the owner of 482 Elizabeth St. and 490 Elizabeth 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 Properties meet at least two criteria for determining cultural value or interest and continue 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 Properties of the City's intention to designate. The owner has submitted an objection to the proposed designations.
 - If the designation by-laws are passed, then notices 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 Notices of Intention to Designate the Properties 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 Notices of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Properties was based on Cultural Heritage Evaluation Reports (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Properties met at least two of nine criteria under Ontario Regulation 9/06. The Statements of Cultural Heritage Value or Interest are 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 notices of intention to designate and pass the by-laws designating the Properties (Recommended)
- Option 2 – Withdraw the notices of intention to designate (Not recommended)

The notice of intention to designate the Properties were 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 notices of intention to designate and pass the designation by-laws.

Staff carefully reviewed the notice of objection for the Properties, which includes a memorandum prepared by a member of the Canadian Association of Heritage Professionals, Harsh Padhya, suggesting that both properties do not have contextual value. While staff are not in agreement, should this criterion be removed, the memorandum appears to acknowledge that both properties have design/physical value and historical/associative value, still meeting the minimum number of two criteria for designation under section 29, Part IV of the OHA. As such, staff maintain the professional recommendation to designate the Properties under Part IV of the OHA, as the properties 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.
- Aug. 10, 2025: The notice of objection for 444 Plains Rd. E. 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). 482 and 490 Elizabeth St. are commercial properties. Based on the 2025 levy, if designated, the properties could be eligible for an estimated property tax rebate of approximately \$10,800, with the city portion about \$4,000 (482 Elizabeth St.) and approximately \$ 7,900, with the city portion about \$3,000 (490 Elizabeth St.).
- **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 Properties of the City’s intention to designate. The owner has submitted an objection to the proposed designations.
 - If the designation by-laws are passed, then notice of the by-laws will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.
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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. (2024). *482 Elizabeth Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
 - Stantec Consulting Ltd. (2025). *490 Elizabeth Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
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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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Appendices:

A. Objection to the Intention to Designate 482 Elizabeth St. and 490 Elizabeth St. by Harsh Padhya, CAHP, dated August 8, 2025

B. By-laws for 482 Elizabeth St. and 490 Elizabeth St. and Statements of Cultural Heritage Value or Interest

Draft By-laws for Approval at Council:

- By-laws 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.